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PART V.

Proceedings of the Council of the Governor of Bombay.

Journal of the Proceedings of the Legislative Council of the Governor of Bombay, assembled under the provisions of the Government of India Act, 1915.

The Council re-assembled at 11-30 a.m. on Friday, the 12th December, 1919, at the Sir Cowasji Jehangir Hall of the University of Bombay, Bombay.

PRESENT:

His Excellency Sir GEORGE AMBROSE LLOYD, G.C.I.E., D.S.O., Governor of Bombay, *President.*

The Honourable Sir GEORGE CARMICHAEL, K.C.S.I., I.C.S., *Vice-President.*

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

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

The Honourable the Advocate General (Mr. D. N. BAHADURJI).

The Honourable Mr. SALEBHOY KARIMJI BARODAWALLA.

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

The Honourable Mr. R. H. BROOKE.

The Honourable Mr. SHERIFF DEVJI CANJI.

The Honourable Mr. J. G. COVERNTON, C.I.E.

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

The Honourable Rao Saheb HARILAL DESAIBHAI DESAI, LL.B.

The Honourable Major C. FERNANDES, M.D., F.C.P.S., I.M.S.

The Honourable Rao Bahadur SIDDHANATH DHONDDEV GARUD.

The Honourable Mr. F. ST. J. GEBBIE.

The Honourable Dewan Bahadur KASHINATH RAMCHANDRA GODBOLE.

MUNICIPAL AND LOCAL BOARD SERVICE.

[*The Vice-President; Mr. P. A. Desai; Dewan Bahadur K. R. Godbole.*] [12TH DECEMBER 1919.]

The Honourable Mr. MAHOMEDBHOY HAJEEBHOY.
The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH, LL.B.
The Honourable Mr. J. D. JENKINS.
The Honourable Sardar GULAM JILANI.
The Honourable Sardar DULABAWA RAISINGJI, Thakor of Kerwada.
The Honourable Mr. P. J. MEAD, C.I.E., I.C.S.
The Honourable Mr. CHUNILAL VIJBHUKHANDAS MEHTA, LL.B.
The Honourable Mr. LALUBHAI SAMALDAS MEHTA, C.I.E.
The Honourable Sardar SHRINIWAS COOPOOSWAMI MUDLIAR.
The Honourable Rao Bahadur VENKATESH SHRINIWAS NAIK.
The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE.
The Honourable Mr. GOKULDAS KAHANDAS PAREKH, LL.B.
The Honourable Mr. ABDUL KADIR *alias* FAKIR MAHOMED walad IBRAHIM KHAN PATHAN.
The Honourable Sir DINSHAW MANOCKJEE PETIT, Bart.
The Honourable Mr. MUNMOHUNDASS RAMJI.
The Honourable Mr. L. ROBERTSON, C.S.I., I.C.S.
The Honourable Mr. E. L. SALE, I.C.S.
The Honourable Rao Bahadur GANESH KRISHNA SATHE, C.I.E.
The Honourable Mr. C. N. SEDDON, I.C.S.
The Honourable Mr. PHIROZE C. SETHNA, O.B.E.
The Honourable Colonel J. B. SMITH, C.B., I.M.S.
The Honourable Mr. PURSHOTAMDAS THAKURDAS, C.I.E., M.B.E.
The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI.
The Honourable Mr. HARCHANDRAI VISHINDAS, C.I.E., LL.B.

The Honourable the Vice-President (Sir G. Carmichael):—Order, order. Further discussion of Resolution No. 7.

The Honourable Mr. P. A. Desai:—Mr. President,—I should like to make a few observations with respect to the resolution moved by the Honourable Mr. Garud. It cannot be denied that at present that portion of the staff of the municipalities and district local boards represented by the chief officers, engineers, and health officers, is not as competent as it ought to be. We have felt this difficulty in the Bijapur municipality. There the waterworks are under the management of the executive engineer, and we have to pay each year about Rs. 4,000 as supervision charges. We had it in our mind to ask Government to give us one competent man who could manage the chief officer's duties as well as attend to the waterworks, but we cannot find a man who could do both these duties. I understand similar difficulty is felt by other municipalities and local bodies, and there is no doubt that as far as the question of efficiency is concerned a service of the kind proposed is necessary.

But there are many difficulties in the way of forming such a service, as, unless all the municipalities and district local boards combine for this purpose, it is not possible to have a service of the nature proposed. Another difficulty is that supposing an engineer is appointed to a particular municipality and does not satisfy the members of that municipality, to whom will he be transferred? Other municipalities might perhaps think that, as he has been rejected or not found satisfactory by one municipality, they should not take such a man, and in that case what should be done with him if he has already served about five years in the municipality which is not satisfied with his work? The honourable mover of the resolution has not given us any data on which to form an opinion on this point.

I think that after the introduction of the reforms a local self-government central board might possibly be formed, which will be in a position to determine this question satisfactorily. I therefore think that the consideration of this resolution should be postponed for the present.

The Honourable Dewan Bahadur K. R. Godbole:—Mr. President,—I wish to make a few remarks with reference to the resolution that has been placed before the Council by the Honourable Mr. Garud. A scheme for the organization of a service for the local boards and the municipalities of this Presidency is desirable, but in my opinion it will be unworkable because

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the formation of a service of this description will be inconsistent with the independence of local bodies, which should be free to select their own officers. As has been pointed out by previous speakers, when a member of this service is found incapable and unfit for his duties, or not quite up to the mark, it will be difficult to find a place for him anywhere as no municipality or district local board will take him. The independence of local bodies in choosing their own officers and appointing them should not in my opinion be interfered with.

But I do not see why local bodies should not be able to secure the services of good officers if they treat them with due consideration, make their appointments reasonably secure and give them pensions or the benefit of a provident fund on the same lines as the railway companies give. The local bodies should also give to their officers reasonable latitude as regards details of work and in the matter of control of establishments. If they give their officers these facilities, I do not think that there would be any difficulty in getting good and efficient officers for municipal and local board service. What do we find is the case at present in municipalities in particular? The powers of their officers are hampered on all hands. If the officer fines a petty clerk under him, some member of the municipality gets up in the municipal council and asks why he has been fined. Then take the case of a small contract for the collection of metal. If the engineer gives such a contract, his proceedings are often called in question. Municipal engineers and health officers are often censured without adequate cause by a majority of votes in municipal councils. If the local boards and municipalities treat their officers in this manner, it is impossible to get good men for their services. If appropriate salaries are paid, if officers are treated with due consideration, and if they are given proper latitude and help in the carrying out of their duties, I think there will be no difficulty in local bodies securing officers of the right stamp.

I would draw attention in this connection to the Bombay municipality, the Bombay Port Trust, and the several railway companies. These bodies find no difficulty in getting health officers, engineers, traffic superintendents, and other officers, who are quite up to the mark. This is because the officers are properly paid, properly treated with due consideration and given due latitude as regards the carrying out of their duties. I do not think local bodies would be in any difficulty if they proceeded on similar lines in dealing with their officers.

The Honourable Mr. Upasani suggested, I think, that further consideration of this resolution should be postponed. I am also of the same opinion, and I will give the Council an additional reason why the consideration should be postponed. Honourable members of this Council are perhaps aware that the Government of India appointed the Public Works Department Re-organization Committee in 1916. The Committee has made its report to the Government of India, and made certain recommendations which have been reported upon by local Governments. One of the recommendations which this Committee has made is that all the district roads and buildings should be handed over to the district local boards. If this recommendation is accepted and carried into effect, the engineers of district local boards will be officers controlling large public funds and probably in receipt of handsome salaries like the present Government executive engineers. They will also be graded and will have pensions or good provident funds to rely upon. Under such conditions, they will be men of high qualifications. This change will solve the question of district local board engineers. If Government works are handed over to district local boards, Government will insist that the boards have at their disposal the services of efficient engineers, who will do their work efficiently and keep roads and buildings in good condition. If, as I said, the Public Works Department Re-organization Committee's recommendation is accepted by the Government of India, the district local board engineers will be quite different from what they are at present. Until this question is decided, therefore, I think that the further consideration of this question may be postponed.

I have already said the organization of one service for all the local bodies in the Presidency will be an unworkable scheme, which would interfere seriously with the independence of local bodies. The proposal cannot therefore be accepted.

The Honourable Mr. R. P. Paranjpye :—Sir, I am pleased the Honourable Mr. Garud has brought forward this resolution. I know quite well that there are many difficulties connected with it. All municipalities and local boards are finding very great difficulty in recruiting a suitable class of officers, and the difficulty is not only in recruiting but in retaining them. Men are always on the look-out for more highly paid appointments, and the municipalities suffer from the frequent changing of officers. This difficulty has to be overcome.

There are various points connected with this matter. If the control of the transfer of these officers is vested in the executive Government, I do not think public opinion will be prepared to accept that control over local bodies.

About two years ago there was a committee, of which the Honourable Mr. Pratt was chairman, which expressed an opinion that such a service was desirable. That committee did not

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go into details, but I think it is certainly advisable for Government to consider the question further in full consultation with all local bodies.

I believe that the question is one which deserves consideration, and, although I am not myself prepared with a cut and dried scheme, we might take some action on these lines. We might, first of all, have a regular cadre and a definite method of admitting men into municipal service. There will have to be various sections of such services, one containing men who would be suitable as chief officers and secretaries, and another containing men suitable as health officers of municipalities. These sections should only include officers whose salary is, say, Rs. 100 and upwards. I do not think that we should trouble about appointments carrying salaries of less than Rs. 100. Most of the chief officers ought to have full control over the appointing of their subordinate establishments. Appointments the remuneration of which is about Rs. 100 should to a certain extent be entered into one cadre. If a municipality wants to appoint an officer out of this cadre, I do not think the controlling authority should have very much to say about it, because the man presumably will have had experience. The Pratt Committee thought that there should be a Local Government Board, but even such a board would have nothing to say against any particular appointment from men belonging to the cadre. If a municipality or a local board wants an officer transferred, they might very well be required to give definite reasons why such a transfer is desired. It will not do for a municipality merely to say that they do not want a particular man. They should be asked to state the reasons. If the affairs of local bodies are to be managed properly, some such control, not by an executive officer of Government but by a board on which the interests of local bodies will be fully represented (and including possibly one or two presidents of municipalities or local boards), will have to be exercised. I do not think that this control would be very much resented.

Further, we ought to require municipalities and local boards to have a provident fund for such officers, as an officer of the type in question ought ordinarily to get the advantage of a provident fund. If a municipality does not want a man, he ought not to be let loose upon the world by giving him one or two months' notice without his having something to fall back upon. If, therefore, there is a provident fund, I think the officer will have some sense of stability in his position; and this provident fund ought to be instituted in the case of the cadre suggested.

The Honourable Dewan Bahadur Godbole told us of the satisfactory nature of the Bombay municipal executive. But there is a very great difference between Bombay city and the mofussil. The Bombay municipality is a huge concern with a large number of superior officers, and men employed by the Bombay municipality have an opportunity of rising to higher grades. On the other hand, in each municipality or district local board there are only two or three very senior officers, such as the chief engineer, the secretary of the municipality, or people like that. But in Bombay there are several high appointments which afford sufficient prospects for an ordinary person. In the case of mofussil municipalities or local boards the number of high posts is very limited. Even in the Poona municipality I do not think there are more than two or three officers drawing more than Rs. 200. It will not be possible for a municipality like Poona to give a regular gradation; but, if the Poona municipality and five or six larger municipalities join together for the purpose, it will be possible to have between them perhaps a dozen officers who could be placed in a regular grade. This might not be altogether in the manner of an ordinary Government cadre; but still there would be certain prospects. If officers are not satisfied with their position in one municipality, for instance, they can try another municipality. The municipalities should ordinarily be expected to take officers from this cadre, and there will be no great harm done if we prevent municipalities from appointing persons who are entirely outsiders.

I only offer these hints, not as a cut and dried scheme, but as something which a committee might consider. There is, I think, no question but that this is a matter of the utmost importance if local bodies are to do their work efficiently. Government might appoint a committee to consider this question in all its aspects. The committee could possibly go round and consult various local bodies before formulating its scheme. I think the question is one which deserves consideration, and I hope that the Council will support the resolution.

The Honourable Mr. Harchandrai Vishindas :—Mr. President,—It seems from the various speeches delivered on this question that the circumstances of municipalities vary in different localities. I presume that all the honourable members who have preceded me have some kind of connection with the municipalities in the Presidency. While it seems that on the one hand the Honourable Rao Bahadur Garud, the mover of this resolution, has experienced some difficulties, on the other hand I should imagine that the other speakers who struck a contrary note do not seem to have experienced those difficulties. So far as my own municipality (Karachi) is concerned, we have not experienced any of those difficulties. Far from that being the case,

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I can inform the Council that our experience has been that whenever we have advertised any vacancy we have received a great number of applications—sometimes hundreds of applications—and we have not had the slightest difficulty in making our choice. But the question very largely resolves itself into one of means. It is very likely that municipalities who cannot afford salaries sufficient to attract good men should feel the inconvenience which has been pointed out by the Honourable Rao Bahadur Garud. That is a sufficient answer to the remark made by the Honourable Dewan Bahadur Godbole that the municipality of Bombay, the railways, and other departments do not bring forward any complaint of this nature. They are able to pay good salaries and therefore able to secure very good and competent men.

The resolution as brought before the Council seems, in my humble opinion, to be incomplete. I quite sympathise with the remarks of the Honourable Mr. Paranjpye when he says that some kind of solution should be found, but I am not sure that the present proposal is the right solution. For one thing, public opinion has always expressed itself against even some of the shackles which exist at present by which the liberties of municipalities are interfered with. Much more therefore would some municipalities resent these appointments being placed under Government officials. Possibly interference on the part of Government does sometimes work well; but sometimes it does not, and probably any fresh powers for interfering in the matter of municipal appointments might create resentment on the part of the municipalities. While the proposal might find favour with some municipalities, such might not be the case with others. Municipalities generally speaking like to have complete control over officers who are their subordinates, and the Honourable Rao Bahadur Garud has to take into consideration the fact that, in the event of his proposition being carried, the cadre will necessarily be entirely under the control of Government.

Further, when a cadre is proposed, you must provide for provident fund, leave rules and so forth. The honourable mover has made no suggestions in this respect. There are a lot of other difficulties which suggest themselves and which will have to be solved before a scheme can be put forward. For instance, what is the meaning underlying the proposition that a cadre should be created ? Is it intended that a limited number or a prescribed number of men should be constantly retained in service for the purpose of recruitment by the municipalities ? There will also be the difficulty as to how many men of a particular grade should be maintained, how many should be requisitioned, how many should remain idle, and so on. Whilst I recognize on the one hand that the question deserves consideration, on the other hand I should imagine that the present is not a suitable time to consider it. I agree with those speakers who have suggested adjournment of this question until a more favourable time, and I would rather prefer that the Honourable Mr. Paranjpye, the Honourable Dewan Bahadur Godbole, and the Honourable Rao Bahadur Garud, should consult and bring forward a workable scheme. Possibly the various municipalities could join hands and form themselves into a conference to devise some scheme which would be practicable and workable. Therefore I would rather join with the Honourable Mr. Desai and the Honourable Dewan Bahadur Godbole in suggesting that the matter should be postponed for the time being.

The Honourable Mr. C. V. Mehta:—Mr. President,—Whatever be the merits of the resolution before us, I wish that it were cast in a somewhat different form, because as it stands now it directly asks Government to organise at once a separate service for the municipalities and local boards of the Presidency. I do not know whether the meaning is that the service would be created and controlled by Government only, or whether the various municipalities and local boards would have some voice in the creation as well as the control of that service. If the idea is that Government alone is to create and organise this service, and later on to control it, I am afraid it is repugnant to the principles of local self-government and that it will not find favour with the general public. The instance of the Bombay municipality has been quoted in this connection, and I may say that, however great may have been the difficulties which we have sometimes found in obtaining our officers and although we have had in certain instances to approach Government for the loan of the services of its officers, the feeling is growing in the corporation as well as outside that the more independent the municipality is, the better it will be. I therefore think, sir, that if an attempt is to be made to tackle this difficult question, it would be certainly better that it should first be handled by a representative committee, on which the municipalities and local boards would be strongly represented.

Coming now to the question of the merits of the proposal, various honourable members have pointed out the great difficulties which will be experienced. At first sight, it appears as if the difficulties were almost overwhelming. It seems to me that the control in such matters as the pay of its servants, and the authority to judge their work and to dismiss them if they are found unsatisfactory, will gradually go more and more out of the hands of the municipalities, which would be really unfortunate. It appears that the difficulty under which most of these

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municipalities labour is one of ways and means. That has been the difficulty found by almost all the local bodies, including the Bombay municipality. They find that they cannot hope to retain their officers, both of the superior and the lower grades, on the old scale of salaries to which they were accustomed for so many years, and that the scale of pay in other bodies such as the Port Trust and the Public Works Department of Government has been largely increased on account of circumstances of which honourable members are well aware. There has been no alternative, therefore, but to increase their own scale of salaries in order to obtain and retain the services of good officers.

It seems to me that the real way out of the difficulty is the creation of a proper provident fund, which will retain in the municipalities the services of such officers as have obtained their approval. Once such a fund is introduced, and the various facilities to which the Honourable Dewan Bahadur Godbole referred are given to the officers, I should imagine that there ought to be little difficulty in retaining good officers. If, however, a regular cadre is required, the scheme ought in my opinion to be discussed by a committee on which the local authorities are strongly represented; and when it is ultimately put into practice it ought to have as its controlling authority a number of presidents and vice-presidents of these local bodies directly elected to that controlling authority.

The Honourable Sardar S. C. Mudliar:—Sir, the resolution put before us by the Honourable Rao Bahadur Garud is really one which is of very great interest and worth consideration. In my opinion, the organisation of separate services for municipalities and local boards will not be very useful. I think that the powers and pay of these officers should be increased, as without that I do not suppose the municipalities will ever obtain the services of efficient officers. I know, for instance, that in the Poona municipality an engineer and a health officer who really did good service for the municipality had to leave because they found that their powers and their prospects were very limited. On the last occasion on which the health officer's appointment was advertised, the municipality was not fortunate enough to get even one or two applications, and had to turn to one of the health officers who had really done very good service to the municipality, and who is at present on military service. He too refused the offer as there was no prospect before him. In addition his powers were all in the hands of the sub-committee or some other officials. Therefore, my opinion is that this step of organising a separate service will be of no avail. I think that the powers and the pay of these officers should be increased, when only there will be a chance of getting able men of the right type.

The Honourable Rao Saheb H. D. Desai:—Sir, the difficulty of finding suitable men for the special services of municipalities and local boards is, I think, admitted on all hands, except perhaps for the province of Sind. There is no lack of clerical staff. Several applicants can be obtained when a post is vacant, and they can be trained for the ordinary work. But there are various other branches—the sanitary branch, the engineering branch, the cess collection branch, and the account branch—for which special training is necessary, and some scheme must be formulated to attract, and if necessary to train suitable men for these local bodies. If that is done, it would supply a great want. But I feel that the resolution, as it is placed before the Council, rather pins down Government to consider the question in a particular manner. I do not think that that is the proper method, and if it were open to me to suggest an amendment, I would put the resolution as follows:

"This Council recommends to His Excellency the Governor in Council that steps may be taken to remedy the difficulties of municipalities and local boards in obtaining suitable men for their services who need special training, after consulting the local bodies."

The Honourable the Vice-President (Sir G. Carmichael):—We will proceed with the discussion of the amendment and the resolution together.

The Honourable Rao Saheb H. D. Desai:—I think that the resolution, as I have amended it, will not pin down Government to any particular course, but will request it to consider this matter in any form which may eventually be found suitable. I would, therefore, commend this resolution as amended to the consideration of the Council.

The Honourable Rao Bahadur G. K. Sathe:—Sir, I do not know what I should say about the amendment moved by the Honourable Rao Saheb Desai. It is worse than the resolution itself. However, as the discussion on both the resolution and the amendment is to proceed together, I shall make reference to both in my remarks.

It is true that a certain amount of difficulty is experienced in securing good men, particularly in the higher grades which require technical knowledge, such as that of engineering, of sanitation,

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and of hygiene. It is also sometimes found difficult to secure capable executive officers for the larger municipalities. It is not enough that the Council should be merely informed of the difficulties that are admitted on all hands. The main question is whether the remedy suggested in the resolution would really meet the situation. We have to consider how difficult it is for Government to form a cadre for officers required by municipalities spread over the whole Presidency. The income of municipalities varies to a large extent, and it will be very difficult to bracket municipalities even for the convenience of exchanging officers between them. For instance, take the case of the municipalities of Ahmedabad, Surat, Hubli, Sholapur, and Poona. Practically they stand on the same level. Assuming that a cadre of chief officers for these various municipalities is formed, let us examine the matter from a practical point of view. Suppose the Hubli municipality selects a particular chief officer, retains him for a couple of years or more, and is not satisfied with his work. How is he to be got rid of? Would it be proper to ask Government to send him away to any of the other municipalities? If the Hubli municipality were to do that, the other municipalities would certainly complain that Government had no business to send them a man who had been found unfit by a particular municipality.

The real solution, to my mind, appears to be that each municipality should have a free hand in the selection of its officers. The remedy lies with them. If they form a schedule of the requirements of each municipality, and if there is a sliding scale and time scale pay system with various other prospects (in the larger municipalities at least, of pension, and in the smaller municipalities of provident fund), I do not think that there will be any real difficulty in securing the right sort of people. At present I believe there are very few municipalities which have got provident funds. None, except the Bombay corporation, has the pension rules. How can you expect officers of the grades of chief officer, engineer, and health officer, to enter municipal service, unless you make the service sufficiently attractive, place before them good chances of promotion, and make provision for their old age and accidents?

The request made in the resolution is that Government should form a regular service for the several municipalities. I put it to the Honourable Rao Bahadur Garud: how is it possible for Government to form a cadre? How is Government going to determine the pay of the several officers required by the various municipalities? Is it intended that Government should pool the revenues in connection with the municipal staffs, and pay municipal officers out of these revenues? To my mind the whole scheme appears impracticable and unworkable.

If we really want to improve the existing system, the municipal councillors should not appropriate this function of appointing, fining, and dismissing officers; these powers being vested in presidents and vice-presidents in the case of small bodies. At present officers are chary of entering Government service on account of the instability of their appointments. Their continuance in the appointments rests with the whole body; and Government and the members of this Council will be able to appreciate my remarks when I ask them to consider whether it is feasible for a body of 27 or 30 councillors to select officers, to consider their claims to promotion, whether they have been remiss in their duties, and whether they deserve to be fined, suspended or dismissed. These questions ought necessarily to be left to a body of very few people. They will be done more efficiently if entrusted to the head of the administration. I recognise that there might be cases of abuses. No doubt much depends on the calibre and independence of the president and vice-president. In any case, however, this matter should be left in the hands of one man or of a very few men. If, instead of doing that, these questions are going to be discussed by the whole council or corporation in accordance with the existing system of the Municipal Act, and determined by the decision of the majority, it will always be found difficult to secure the right sort of people for municipalities or local boards. What is really wanted is a change in the Municipal Act so far as the appointments of the high-grade officers are concerned. A second change required is the provision of good salaries, and pensions or provident fund whenever the municipal revenues will permit.

In these circumstances, I think it would be well not to press this resolution; but, as my honourable friend Mr. Paranjpye has suggested, if it is considered desirable that matters should not be left in this unsatisfactory state, a small committee might be appointed. I therefore oppose the resolution.

The Honourable Mr. D. V. Belvi :—Sir, as a representative of the municipalities in the Southern Division, I feel it my duty to express my views on the subject of this resolution. I have no doubt that the main object present to the mind of the Honourable Rao Bahadur Garud in moving this resolution is to make it easy for municipalities and local boards to secure an efficient service. The only question is whether formation of a special service is the right method to achieve that object. It seems to me that the Honourable Rao Bahadur Garud has mistaken his remedy. I do not at all agree with him in his view that his purpose will be

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served by the formation of a special service. I find that in the case of mofussil municipalities provision has already been made by Government by which municipalities can get at least three classes of servants who might be described as efficient. The first class is the schoolmasters who serve in municipal schools. Government is pleased to contribute to each municipality half the expenditure incurred by municipalities in educational matters; but Government insists on municipalities employing men who are really efficient and who have attained a prescribed standard. Therefore there is no grievance so far as teachers in municipal schools are concerned.

Government also holds out an inducement to municipalities to appoint efficient chief officers. It is laid down that if a municipality is willing to accept the services of a man approved by the Collector—which means the approval of Government—Government is ready to give to the municipality a certain percentage of his salary. Each municipality has to make up its own mind. If it wishes to appoint its own chief officer irrespective of the wishes of Government, then it has to pay the chief officer the whole of his salary.

The third class of servants in whose case Government is pleased to make a concession is sanitary inspectors. If a municipality chooses to employ a sanitary inspector who has passed the sanitary inspectors' test, and further undertakes to pay him a certain minimum salary, Government undertakes to provide a certain part of his salary. In most cases municipalities take advantage of this offer of Government and employ sanitary inspectors who have passed the prescribed test. The only difficulty is with regard to the employment of servants in other departments of municipalities. I was rather surprised to hear it stated that municipalities found no difficulty whatever in employing an efficient clerical staff. It may be that my experience in this respect is different from that of my friend the Honourable Rao Saheb H. D. Desai. So far as my own district is concerned, I have found to my sorrow that in respect to its clerical sevice, the municipal office in each town is looked upon as a rendezvous of all the failures of secondary schools. These men cannot find employment in the offices of the mamlatdar, the assistant collector, or the Collector. In the case of municipal clerks, nine out of ten will be found to be men who have passed no examination whatever. You cannot get matriculates; you cannot get men who have passed the school final examination on the miserable salaries paid at present; you can get only the failures of high schools and of Anglo-vernacular schools.

What is the remedy? Every municipality should agree to pay its servants a little more than it does now, and in this respect Government can assist municipalities. If Government lays down a certain educational standard as the minimum in the case of municipal clerks, and agrees to pay to a municipality a certain percentage of the salaries (the percentage may be large, or it may be small), perhaps municipalities might be induced to employ men capable of rendering the efficient service expected of them.

In the case of menial servants, I do not think it is necessary to hold out any inducements to municipalities. As regards accountants, however, Government might consider whether it is possible to induce municipalities to employ accountants who know how to keep accounts. Our experience in the mofussil is that ill-educated men who do not know how to keep accounts are employed as accountants by municipalities. Hundreds of mistakes are pointed out annually to each municipality by the Government auditors who inspect the municipal accounts, and the accountants are warned by the president or the vice-president. But what is the result? The same mistakes are probably repeated the following year, and so on. The real remedy lies not in the formation of a special service as proposed by this resolution, but in taking measures such as I have suggested. This might be done either when the Municipal Act is revised after the new Councils come into existence, or by amending the present Municipal Act. The formation of a special service will do no good whatever. My opinion is that each municipality or local board should be a self-contained unit. No municipality has a right to demand for its service a man from another municipality or local board who is an efficient servant. The object of local self-government is to develop the corporate life of each institution. Will that object be promoted by the creation of a department and by Government taking on its shoulders a heavy responsibility? I do not see how this resolution is to be worked even if the Council accepts it. As for the amendment suggested by the Honourable Rao Saheb H. D. Desai, I fail to understand how it is an amendment. It seems to me to be a substantive proposition in itself, and at present I am not prepared to offer any remarks on it.

I regret I cannot accord my support to the resolution which has been moved by my friend, the Honourable Rao Bahadur S. D. Garud.

MUNICIPAL AND LOCAL BOARD SERVICE.

[12TH DECEMBER 1919.] [*Mr. S. B. Upasani; the Vice-President; Sir Ibrahim Rahimtoola.*]

The Honourable Mr. S. B. Upasani :—Sir, is it open to me to speak on the amendment ?

The Honourable the Vice-President (Sir G. Carmichael):—Yes.

The Honourable Mr. S. B. Upasani :—Sir, yesterday I expressed my inability to support the resolution as it stood. It virtually gives away to Government the powers which municipalities possess of administering their own affairs, including the making of appointments. This is more than the municipalities would consent to, or the Government itself would undertake. Therefore, I suggested that the question should be postponed for the present until the new local self-government organisation comes into being under the Reforms Scheme.

Turning to the amendment which the Honourable Rao Saheb H. D. Desai has suggested, I think that the right way to move for the present would be for Government to collect the opinions of the various parties concerned as to what could possibly be done in this matter.

Each municipality will not be able to move in the matter and may not be able to do what is necessary. If however action is taken through Government, we shall have a body of opinion on which the necessary action might be safely taken. It is admitted that the difficulty exists, and we cannot shirk the fact. We must tackle the question and discover a remedy. It may be possible to start some central institution for training the various grades of servants required for municipal service, to which institution Government might amply contribute. The expenditure required to maintain such an institution will be beyond the means of the municipalities, and some arrangement will have to be made by Government as is done for the supply of teachers, sanitary inspectors, and other officers required for municipal and local board service. In the case of these officers, the local bodies contribute not only towards their salaries and promotion, but in part for their initial training and towards their pension. Some similar arrangement might well be made for all grades of servants required.

I am certainly not in favour of surrendering to Government the right of the local bodies to make these appointments, or to vest them in the president or the vice-president alone. The right of making the appointments of these officers must rest with the whole body of the local institutions.

The Honourable Sir Ibrahim Rahimtoola:—Sir, I think that the discussion has been very useful in clearing the air in regard to a very complicated question. The facts of the case are admitted. Various local bodies, municipalities, and district local boards, find it exceedingly difficult to get suitable officers and to retain them. The difficulties are due to the question of pay and promotion.

The work of local self-government has to be carried on and the help of these executive officers is necessary for efficiency. The problem is how to get them and how to retain them. One way of doing so is that municipalities, if they can economically afford to do so, should fix a schedule of appointments for these officers so as to give them promotion as they advance in service, and at the end of it to give them the benefit of a pension or a provident fund. If this can be done, it appears to be the best solution of the problem.

In this connection the Honourable Dewan Bahadur Godbole pointed to the Bombay Municipality, the Port Trust, and the railway companies, and he said that these bodies did not find any difficulty in securing the services of efficient officers. The explanation is that the income of the Bombay municipality is nearly two crores, that of the Port Trust about a crore and a half, and that of the railway companies several crores. To talk in the same breath of district local boards and district municipalities is begging the question. Many district municipalities and district local boards have a very small income, and a part of that income is dependent on Government grants. How can they afford to maintain on their establishment men who would expect to rise in their service and obtain the benefit of pension or provident fund at the end of it ? The difficulty therefore is one of efficient local self-government in the district, and some remedy that would deal with the problem is required.

Having admitted the difficulties, the question of providing a remedy presents very serious difficulties. Many honourable members have pointed out the complexity of the problem. In the first place, if a provincial cadre is maintained, what should be the authority which will appoint men to this cadre ? You will want an authority who will have not only the duty of making these appointments but of dealing with promotions, transfers, and retirements. You cannot separate any of these functions, but will have to deal with the matter as a whole. The honourable mover has asked Government to do all this work. I am very glad that the suggestion has emanated from a non-official member. If Government had suggested anything of this kind, it would have been open to the charge that it meant a substantial encroachment upon the privileges of local self-government. If Government maintained such an institution it would mean a surrender of the rights and privileges which local self-governing institutions enjoy at present. In this Presidency all local bodies are entitled to appoint all their officers. Are local

MUNICIPAL AND LOCAL BOARD SERVICE—TALUKA CIVIL COURTS—SIND; PAY OF SUBORDINATE JUDGES.

[*Sir Ibrahim Rahimtoola; Rao Saheb H. D. Desai; Rao Bahadur S. D. Garud; the Vice-President; Mr. S. B. Upasani; Mr. Harchandrai Vishindas.*] [12TH DECEMBER 1919.]

boards and municipalities prepared to surrender these powers? This, sir, is not a question which can be disposed of by a debate in this House.

As the Honourable Mr. Pararjpye and the Honourable Rao Bahadur Sathe pointed out, Government did appoint a representative committee to consider amongst other things this problem of local self-government. On that committee there was a substantial representation of non-official members, and the committee recommended that it was a very desirable thing (as I think you will all admit) to have a cadre of this character. If something of that kind can be done, I am sure it will tend to greater efficiency in the administration of local affairs. The committee also recommended that the difficulty of constituting an authority to discharge these duties might perhaps be overcome by the formation of a local self-government board. The question naturally arises as to what should be the constitution of such a board, what should be the proportion of representation of local bodies on it, and how are the local representatives to be elected. It was at one time the intention of this Government to refer the Pratt Committee's report to city municipalities for their views on the subject, but that has not been done in view of the decision which was announced by His Excellency in his opening speech at this session of the Council. He said that the question of the amendment of the District Municipal Act and of the District Local Boards' Act will be taken up after the Councils are reformed and local self-government has passed into the hands of Ministers.

As I have already said, the resolution has served a very useful purpose in clearing the air and drawing pointed attention to an admitted difficulty. No remedy can, however, be applied at present till legislation in regard to local self-government is introduced after the introduction of enlarged Councils. During that time it is open to the municipalities and district local boards whose representatives sit at this Council to consider the problem in all its aspects in view of the discussion which has taken place, and to suggest to Government some constructive proposals adequately to cope with the problem.

For these reasons I hope that both the honourable mover of this resolution and the honourable mover of the amendment will be content with the discussion which has taken place and withdraw the resolution and the amendment. No practical effect can at this stage be given to the course proposed in the resolution.

The Honourable Rao Saheb H. D. Desai :—I beg to withdraw the amendment.

The amendment was by leave withdrawn.

The Honourable Rao Bahadur S. D. Garud :—I beg to withdraw the resolution.

The resolution was by leave withdrawn.

The Honourable the Vice-President (Sir G. Carmichael) :—Resolution No. 12. The Honourable Mr. S. B. Upasani.

"This Council recommends to His Excellency the Governor in Council that the system of taluka courts, and of linked courts where necessary, be extended to all the districts in the Presidency so that the ryots may not have to go beyond the limits of their revenue talukas for their civil litigation."

The Honourable Mr. S. B. Upasani :—Mr. President,—This resolution was sent up by me with a view to remove the inconvenience suffered by the ryots in several talukas in the Presidency in having to go beyond the limits of the revenue talukas for litigation. I understand, however, that the matter is under the consideration of Government, that the District Judges have been asked to submit reports on the point, and that the Honourable Mr. Justice Hayward, who is out on a tour of inspection, is going to consider this matter after local inquiry. That being the case, I ask for permission to postpone the consideration of this resolution to the next session.

The resolution was by leave postponed.

The Honourable the Vice-President (Sir G. Carmichael) :—Resolution No. 18. The Honourable Mr. Harchandrai Vishindas.

"That it be recommended to Government that the last grade pay of the subordinate judges in Sind be raised to Rs. 200 per mensem."

The Honourable Mr. Harchandrai Vishindas :—Mr. President,—The genesis of this resolution is that recently there was an order of Government by which the minimum pay of subordinate judges in the Presidency proper was fixed at Rs. 200, instead of Rs. 150, which was the original pay. But from that order Sind was expressly excluded.

SIND; PAY OF SUBORDINATE JUDGES.

[12TH DECEMBER 1919.] [*Mr. Harchandrai Vishindas; Sheikh Ghulam Hussein Hidayatallah; the Vice-President.*]

I can inform you, sir, that the feeling in Sind was very much against that notification because of the suggestion that officials in the Presidency proper deserved higher pay than officers in Sind. But the truth is that the reverse is really the case. The conditions of life in Sind are harder, and expenses are heavier than elsewhere, and instead of Sind being given an inferior place, it should be given better treatment than the Presidency proper. It is not for me to blow the trumpet of my own province, but that fact has often been impressed upon Government.

I remember an instance when the Commissioner in Sind had to impress upon the Honourable the Director of Public Instruction the fact that living in Sind was much dearer than in the Presidency proper, and that the pay and prospects in Sind therefore required to be even better than in the Presidency. The cost of living in Karachi city is as high or higher than in Bombay city, and even in the rest of Sind the cost of living is much higher than in the rest of the Presidency proper. Therefore, sir, it will be a great injustice if this notification is not reconsidered with a view to seeing that Sind is placed on the same level as the rest of the Presidency. That is, the minimum pay of a subordinate judge there should also be fixed at Rs. 200 instead of being left at what it is at present, namely, Rs. 150. There is no need, I think, of any very elaborate arguments in support of my resolution, because it is only the actual conditions obtaining in Sind as regards the cost of living which have prompted me to make this proposal. But I would only appeal, sir, to your sense of fairness and justice. I daresay you are aware of the conditions in Sind.

With these few remarks, I leave the resolution in the hands of the Council.

The Honourable Sheikh Ghulam Hussein Hidayatallah :—Mr. President,—I rise to support this resolution. I might bring to the notice of this Council that this is one of the many instances in which Sind has been treated in a different manner to the Presidency proper. My honourable friend has shown the Council that the cost of living in Sind is very high—higher than in the rest of the Presidency—and I therefore do not see why subordinate judges in Sind should not be treated the same as subordinate judges in the Presidency proper. In connection with this question I sent in an interpellation a short time ago, and the reply received was that the matter was under consideration. I think three months have passed since then and the question is not yet decided.

With these remarks I support the resolution of my honourable friend.

The Honourable the Vice-President (Sir G. Carmichael) :—I rise to say that Government does not wish to oppose this resolution. The matter stands thus: the Judicial Commissioner in Sind has recommended to Government that subordinate judges in Sind on the lowest pay should be put exactly on the same footing as their confreres in the Presidency proper. Government is disposed to consider this recommendation favourably. The matter is under reference to the Financial Department, whose report is awaited.

The Honourable Mr. Harchandrai Vishindas seemed to think that this recent notification to which he has referred, and which relates entirely to subordinate judges in the Presidency proper, lays down that the subordinate judges in Sind will not in any circumstances get the increased scale. That is not so at all. Proposals in connection with subordinate judges in the Presidency proper come from the High Court, while those in connection with subordinate judges in Sind come from the Judicial Commissioner in Sind, and that is why separate orders have to issue on each proposal. The proposal from the High Court was received a short time ago and was sanctioned, and the question of Sind was reserved till the Judicial Commissioner's proposal was received by Government. There certainly was no intention of leaving out Sind altogether. But, as I say, Government does not oppose this resolution, but is awaiting the report of the Financial Department on the recommendation which has been received from Sind.

The Honourable Mr. Harchandrai Vishindas :—Mr. President,—I acknowledge with appreciation the remarks that have fallen from you, and I am very glad that the misunderstanding which originally existed in our minds has been cleared up. I must say that when we in Karachi heard of the notification in question the impression created was that subordinate judges in the Presidency proper only were to benefit by the proposal and that those in Sind were not to benefit. I am glad to hear that this has never been the intention and that a proposal from the Judicial Commissioner in Sind has been received and will be favourably considered by Government. Our grievance has, therefore, practically been removed.

The resolution was put to the vote and carried.

SECONDARY TEACHERS AND PRIVATE TUITION.

[*The Vice-President; Mr. D. V. Belvi; Mr. J. G. Covernton.*] [12TH DECEMBER 1919.]

The Honourable the Vice-President (Sir G. Carmichael) :—Resolution No. 3. The Honourable Mr. D. V. Belvi.

The Honourable Mr. D. V. Belvi :—Mr. President,—The resolution which I wish to move runs as follows:-

"This Council recommends to His Excellency the Governor in Council to be pleased to direct that teachers employed in Government secondary schools shall be strictly prohibited from doing the business of private tutors."

The reason why I move this resolution may be stated briefly as follows. My attention was called to the fact that many teachers employed in Government high schools were teaching privately boys studying in their own classes, and were receiving fees from them. I thought that this was a matter which needed attention, and with a view of finding out whether such a course was pursued with the knowledge and approval of the Honourable the Director of Public Instruction, I interpellated Government in the year 1915 at one of the meetings of this Council. Honourable members will find on page 399 of the proceedings of the Legislative Council of the Governor of Bombay for the year 1915 the question which I put. Its first part was:

"Will Government be pleased to state the total number of candidates sent up for matriculation from each of the Government high schools in the Central and Southern Divisions in the years 1910, 1911, 1912, 1913, 1914 and 1915, and the number of candidates who passed successfully in each of these years?"

This was the first part of the question. Now the second part, which is more pertinent to the problem under consideration, stood thus:

"What is the total number of teachers in all these high schools together, and how many of them are permitted by their superiors to earn money as private tutors at present?"

And I was told in reply by Government that a certain number of these teachers had been permitted to accept employment as private tutors. The full particulars supplied to me by Government are to be found on page 439, appendix D. A reference to this appendix will give my honourable colleagues the information regarding Government high schools in the Southern and Central Divisions. Figures were given to me as regards fifteen high schools in two divisions. I find by referring to this appendix D that out of 40 teachers who were employed in the high school at Bombay, one was permitted by the Educational Department to do the business of a private tutor, and availed himself of the permission. In the case of Poona, out of sixteen teachers in the high school three were given and had utilised this permission. In the case of Satara three out of eighteen teachers were given and had utilised permission. In Sholapur out of 22 teachers six were given this permission and all had utilised it and had made money privately. In the case of Nasik, I find that out of eighteen teachers in the high school three were given permission, but one only had acted as a private tutor. In the case of Jalgaon, I find that out of fifteen teachers four had obtained permission, of which one had given private tuition. In the case of Dhulia, out of 21 teachers eleven were granted permission, of which five were employed as private tutors. In the case of Belgaum, out of 21 eight were given permission by their official superiors, of which four were employed as private tutors. In the case of Dharwar, out of 21 two were given permission, and both earned money by private tuition. In the case of Bijapur, four out of twenty were given permission and all fully utilised it. In the case of Karwar, none received permission. In the case of Ratnagiri, five out of thirteen were given permission, and of these five three acted as private tutors. Then there was a case of a girls' high school, the Poona girls' high school. Out of fourteen teachers one was granted permission, and the teacher concerned used the permission and earned money as a private tutor.

Thus the Council will see that out of a total of 255 teachers, 51 were given and 34 made use of permission to act as private tutors.

The Honourable Mr. J. G. Covernton :—May I ask the honourable member to what year the figures stated by him refer?

The Honourable Mr. D. V. Belvi :—These figures were supplied to me by the Educational Department in 1915. I do not know whether things have changed since then either for the worse or for the better, but if they have changed, I should like to be enlightened in the matter. I know as a matter of fact that there are teachers even now in Belgaum giving private tuition to boys whom they teach in their own classes in school. If the Honourable the Director of Public Instruction gives an assurance to me that this practice has been discontinued, I shall not take the trouble to move this resolution.

The Honourable Mr. J. G. Covernton :—Sir, it may perhaps curtail discussion on this resolution if I explain at once that one of the departmental rules laid down is that no class teacher

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shall give private tuition to a pupil of his own class. In consequence of receiving notice of the Honourable Mr. Belvi's resolution, I have made enquiries of all the divisional inspectors and they report without exception that in no case has an instance come to their notice of this rule being broken by any teacher in a Government high school or middle school; in other words, that the rules laid down by the department for curtailing this privilege are strictly observed.

The Honourable Mr. D. V. Belvi :—I am much obliged to the Honourable the Director of Public Instruction for the information he has given to me. I find from the information laid before the Council that the orders obtaining in the Educational Department are that teachers in Government high schools are not at liberty to teach privately boys in their own classes. I argue from this that it is intended that teachers may be employed as private tutors to boys in other classes in their schools. I think it is necessary for me to press this resolution.

What are the duties of a teacher? His duties as a teacher and as a public servant are to do the work for which he is paid by Government out of the public exchequer. A teacher has no right whatever to spend his time outside the school-house in private work connected at least with the teaching profession. My experience is that the orders issued by the Educational Department are observed more in the breach than in the observance. There are, for instance, shastris employed in many Government high schools, and a shastri is expected to teach Sanskrit to boys in all the standards from the fourth to the seventh; I can point to two instances in which these shastris are making money privately, by imparting instructions in Sanskrit to pupils in these very classes. I am prepared to satisfy the Honourable the Director of Public Instruction with information as regards assistant masters who, out of a class of 30 boys whom they teach in a school, teach privately not less than twenty pupils. Is it fair to the public that these public servants should be freely allowed to spend their time in this way? The time which they should employ, properly speaking, in assisting their pupils in various ways is spent by them in earning money. I may perhaps be told that a schoolmaster is permitted to teach a few boys privately and that his assistance is available to boys in subjects in which they find themselves rather deficient. It sounds very plausible, but what is the effect? It is that a schoolmaster who spends two or three hours at home with his pupils finds himself tired, and cannot render his services zealously and with industry when he takes his seat in the class-room. At home, a teacher is expected to correct the exercises of his pupils, and to read the lessons he has to teach in the class-room. I know that even eminent professors like Dr. Selby never came into the class-room unless they had read the lessons which they had to teach. I know of an instance in which Dr. Selby declined to teach on a certain day a chapter of such a simple book as Jane Austen's 'Pride and Prejudice', not because he was not competent to teach it without reading it—he must have read the book a hundred times, if not more—but for the simple reason that he had not read the chapter which was to be taught in the class on that particular day. He told his pupils frankly that he had not read the chapter on that day, and therefore he declined to lecture on it. That is the way in which conscientious teachers will always do their duty. Are the teachers employed in secondary schools men who can be considered capable of teaching their classes without previously looking at the lessons which they have to teach? They are tired, because they have to work in school from 11-0 a.m. to 5 or 5-30 p.m. At night they do not find much time to devote to the study of the lessons which are to be taught in the class-room the next day. In the morning they have to teach their pupils and make money privately. The effect is that exercises of pupils are examined carelessly, and schoolmasters pay very little if any attention to the lessons they have to teach in their classes. The result is that the instruction imparted to pupils in the class-room is extremely indifferent. This is a theoretical ground, but I have another objection which in my opinion is unanswerable and very serious.

Even a schoolmaster is a public servant. Whoever draws any salary from the public exchequer is a public servant. Is a public servant at liberty to accept anything from anyone for the very duty which he has to perform as a public servant? Why should not the provisions of section 161 of the Indian Penal Code be made applicable to schoolmasters who make money in this way? Is not this equivalent to receiving illicit gratification? This is a matter which must be seriously considered; if you consider that it is not an offence, and that there is nothing in it punishable under the criminal law, one may contend that a subordinate judge may do the business of a chamber lawyer. He may say that he will go to court at 11-30 a.m. and attend to his court work up to 5 p.m; the rest of the time is his and he is at liberty to do the business of a lawyer. He may draft plaints, write statements and advise parties. Is that open to a subordinate judge? And if it is open to a teacher in a Government high school to earn money privately, why should not the same privilege be open to any other class of public servants? This is a serious matter which Government should be pleased to consider.

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I may perhaps be told that teachers in Government high schools are at present underpaid, and I am willing to acknowledge that in certain cases the grievance is real. But what is the remedy? The right remedy is not to tell these men to go and find employment wherever they like to earn money to eke out a decent existence, but to increase their pay. If the Council considers that these men or any section of them are underpaid, their salaries should be enhanced. It is absolutely wrong to allow any of them to do privately the work they are expected to do publicly. I know that those boys who do not pay their teachers privately do, not infrequently, suffer immensely. Their lessons are neglected, and no attention is paid to boys who are not in a position to pay. All the attention of the masters is devoted to the boys who do pay, and it is but natural that whoever pays a man must receive his best attention. I am told that the orders in the Educational Department will not apply to a class which the master does not teach. Unless every master is given to understand that any attempt on his part to act as a private tutor will be visited with a severe penalty, I fear that the present unsatisfactory state of things will continue to the detriment of real educational interests.

The resolution which I intend to move hereafter formed originally a part of this resolution, but my original resolution was split up by Government into two parts, and so I cannot bring in whatever I have to say in support of the second resolution in placing my case for the first resolution before the Council. I would have shown how the results of a class-room.....

The Honourable the Vice-President (Sir G. Carmichael):—May I ask the honourable member what is the second part of the resolution?

The Honourable Mr. D. V. Belvi:—It is shown in the agenda as resolution No. 4. I wanted to show that what is contained in resolution No. 4....

The Honourable the Vice-President (Sir G. Carmichael):—That is an entirely different subject.

The Honourable Mr. D. V. Belvi:—It is not open to me to point out how poor results are shown annually as an outcome of this pernicious system which is allowed to grow under the orders of the Educational Department. Unfortunately, I have not got the figures for the current year, or for all the Government high schools in the whole Presidency. But the Southern and Central Divisions may be taken as typical instances, and it is open to me to argue on the strength of the figures that were supplied to me in the year 1915 that very nearly the same state of things obtains in the rest of the Presidency. It is for the Council to consider whether it is right to allow this state of things to continue. It ought to be stopped and schoolmasters should be strictly prohibited from acting as private tutors.

With these observations, I commend the resolution to the acceptance of the Council.

The Honourable Mr. R. P. Paranjpye:—Mr. President,—Unfortunately, I have not had the advantage of listening to the earlier part of my honourable friend's speech, but as far as I can judge I am afraid that the Honourable Mr. Belvi's method of dealing with this question is not the proper one. I believe that he has got hold of the wrong end of the stick. There is no doubt that private tuition is a great evil. Generally speaking boys should obtain everything that they require in the way of teaching in schools and in schools alone. I look at it from the point of view of the boys rather than from the point of view of the teachers, and I believe that public opinion ought really to be educated to realise the fact that boys should not be allowed the facility of private tuition. The guardians of the boys should see that the schools to which their boys are sent are sufficiently efficient, and that they should not have the help of private tutors. If the guardians find that their boys are not doing sufficiently well with the tuition that they get in the schools, there is a clear case for going to the heads of the schools and finding out what is wrong. The question ought rather to be looked at from this point of view than from that of making any penal regulation regarding teachers.

There is another point to be considered in this matter. The number of Government high schools is exceedingly limited. Against about 20 to 25 Government high schools, there are over 200 private schools. By means of a resolution like this, my friend the Honourable Mr. Belvi will be taking into consideration only these 20 or 25 Government schools. He cannot touch the remaining 200 private high schools and their teachers. All that he will be able to do by means of his resolution if Government acts upon it, will be to take away from the teachers of the Government high schools whatever opportunities they have at present for private tuition, and to pass them on to the teachers of private high schools. I am entirely against private tuition as such. I think I would put the point as a suggestion to the Honourable the Director of Public Instruction that when educational inspectors go round to inspect the schools, they should make it their business to find out how many boys engage private tutors. If an inspector finds that a large number of students in any particular school, whether Government

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or private, have recourse to private tutors over and above the tuition they get in the school, then there is a clear case for drawing unfavourable deductions about the efficiency of the school. If the Honourable Mr. Belvi had brought forward a proposal asking educational inspectors to find out how much private tuition is given, and to discourage it as far as possible, I think that would have been the proper way to remedy this evil which, I agree, is very rampant and is lowering the efficiency of our schools. I do not wish to go into details about the legal claims which Government has over its teachers, but I know that a large number of Government servants—in fact servants of every corporation—do a little private work. All that these bodies can do is to see whether their servants are efficiently doing the work for which they are paid. I believe Government has regulations limiting the amount of private work that teachers may do. As far as I understand, teachers getting less than Rs. 100 are allowed to do some private work for a couple of hours a day. At least, there used to be a regulation of that kind.

The Honourable Sir Ibrahim Rahimtoola:—That is so.

The Honourable Mr. R. P. Paranjpye:—I think that private tuition has got to be discouraged, and that guardians of students have got to be taught the evils of the system. Many servants of private bodies do undertake some private work. I shall give an illustration of various higher officials. The teachers or professors in the colleges do some work as examiners in the universities. It is usually done during vacation, but occasionally part of it is done during college term time. How is the honourable member going to prevent professors of Government colleges from doing any work as examiners? That to a certain extent would interfere with their regular work, but I do not know that Government can interfere with the private arrangements of every one of its servants. All that Government can do is to see that the servants they engage give sufficient devotion to their work.

So far as private tuition is concerned, I have already mentioned that I am entirely against it in relation to schools. Schools ought to be able to do the whole amount of work, and genuine cases in which private tuition is necessary are very exceptional indeed. If a boy has fallen ill and is unavoidably detained from attending school for two or three months, it might be necessary for him to engage a private teacher; but such cases are few. Perhaps, also, a particularly bright boy desirous of winning a special scholarship open to competition might possibly require a little private coaching; but ordinarily it ought to be unnecessary to give any student private tuition.

I remember that when I was in Cambridge private tuition was quite the regular thing. Several years ago it was almost the only tuition in certain subjects. The lectures were merely nominal and everybody had a private coach under whom the serious work was done.

The Honourable Mr. D. V. Belvi:—Professors as private tutors?

The Honourable Mr. R. P. Paranjpye:—The colleges had lectures occasionally, but they did not matter. What really mattered was the work.....

The Honourable Mr. D. V. Belvi:—Who were the private tutors?

The Honourable the Vice-President (Sir G. Carmichael):—Order, order.

The Honourable Mr. R. P. Paranjpye:—More attention is now being devoted to lectures, and, with this growing efficiency in public teaching, private teaching has to a slight extent diminished. The necessity for private teaching will cease when the ordinary teaching in the schools is made more efficient. That is what has to be done; and the suggestion I made to the Honourable the Director of Public Instruction to give instructions to inspectors and deputy inspectors to discover how many students in any class in any school are undergoing private tuition, will be the best means of judging of the efficiency of schools. I believe that the Honourable Mr. Belvi has suggested an altogether wrong solution of the question. It will not do much good, and all that will happen will be that teachers in private schools will get the work. I am therefore not prepared to support the resolution.

The Honourable Mr. Phiroze C. Sethna:—Sir, I am quite in accord with the Honourable Mr. Paranjpye. If the object which the honourable mover has in mind in bringing forward this resolution is to prevent teachers from giving private tuition to their own pupils, then he is perfectly justified, but the ground is cut from under his feet by the Honourable the Director of Public Instruction, who has just informed the Council that this practice no longer prevails, and that no teacher can have for his private pupil any boy who reads in his own class. The Honourable Mr. Paranjpye referred to the fact, which is confirmed by the Honourable Member in Charge, that a teacher whose salary is less than Rs. 100 is entitled to give private tuition,

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but only for a period of two hours a day. That appears to me a very salutary rule, and I think the honourable mover ought not to press the resolution any further.

The Honourable Mr. Belvi stated that because a teacher spent some of his time in giving private tuition, he would come unprepared for the purpose of imparting instruction to his class in the subjects entrusted to him. He will admit that the teachers dealt with in his resolution have to teach subjects with which they are perfectly familiar, as they handle the same from week to week and from month to month. I contend that these teachers do not require any special preparation every day as referred to by the honourable mover in the instance of Professor Selby. These teachers perform very ordinary work, and they certainly can conveniently spare some time for giving private tuition.

The Honourable Mr. Belvi said that teachers were "making money", using the expression as if to imply that they were growing fat on the extra income derived by giving private tuition. The Honourable Mr. Belvi has joined other members whenever a complaint has been brought forward in this Council—and very rightly—that teachers are ill-paid. In fact, they are not paid as much as labourers in the city of Bombay. If, therefore, they are able to add a little to their income by giving private tuition during their leisure hours, I think it would be a positive hardship to interfere with them in the manner proposed; and particularly, as the Honourable Mr. Paranjpye has pointed out, as the resolution will only affect the few teachers in Government schools and not the very large number of teachers in private schools.

Again, the honourable mover instanced the case of a sub-judge, who, he said, could not possibly outside office hours do any other work to add to his income. I admit that he cannot on account of the position he fills make money by giving legal advice to parties, but if he chooses he can certainly devote his leisure hours to the editing of some legal work or do something similar. If he does so, such editing will bring him an income in addition to his pay. Is not the Honourable Mr. Belvi aware that even members of the higher department of the educational service annotate text-books and add to their incomes? Why then be so severe on a class of teachers who are certainly ill-paid, and who ought to be permitted to add legitimately to their incomes, as reasonably permitted by Government under the existing regulations?

The Honourable Mr. G. K. Parekh :—Sir, I deprecate the giving of private tuition by teachers to pupils of their own classes for payment. This tends to lower the dignity of teachers, as people will suspect that they will show favour towards those whose parents engage them, and disfavour towards those who do not do so. It is undesirable that teachers should be placed in this position. But I see no reason to prevent teachers from giving private tuition to others than pupils of their own classes. Teachers generally are not very munificently paid, and it would be very hard on them if they could not do the work of private teachers, for which they are best fitted, to supplement their small salaries, while they are permitted to do private work of any other kind outside their school hours. If the teachers of private schools are not prevented from giving private tuition for payment, I see no reason why teachers in Government schools should not enjoy the same advantage. I therefore consider that the general restrictions which my honourable friend wishes to place on all teachers employed in Government schools go too far.

The Honourable Mr. S. B. Upasani :—Sir, I regret I cannot see my way to support the resolution of my friend, the Honourable Mr. Belvi. I think that the action already taken departmentally is more than sufficient. As the Honourable the Director of Public Instruction has pointed out, no teacher in a Government school can take up private tuition without departmental permission. No teacher is permitted to take up private tuition without the headmaster's sanction, which again is to be given only when necessary. The headmaster must know the particulars of such tuition to satisfy himself of the necessity for the grant of the required permission. Another rule is that the headmaster is to give permission for private tuition up to a period of three months only, and should report to the inspector the names of the teachers concerned. A further rule requires that the pupil receiving private tuition should not be from the teacher's own class. If these injunctions are insufficient, I fail to see that the drastic action proposed by the resolution will be of much use. I do not think that we need take a pessimistic view and show a want of confidence in the teachers and headmasters, who are for the greater part graduates of our universities, and expected to realise their responsibilities under the existing rules. There may be cases here and there of teachers who abuse the confidence reposed in them; but I think that the figures quoted by the Honourable Mr. Belvi himself show that this has not happened to any serious extent. Out of 255 teachers, 51 only asked for permission for taking up private tuition, and of these 51 only 34 availed themselves of such permission. It will thus be seen that there is no need for any further action in this matter.

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I think that the teachers in Government schools are better qualified than those in private schools, and it would not be in the interest of the students if the help of these more highly trained teachers was not available. There are children who are slow of comprehension and who require coaching. Others fall ill, are not able to keep pace with their classes, and require private tuition. Would it be desirable to deprive these students of the help they now receive from these teachers ?

I do not think that we should subscribe to the theory that every Government servant is a whole-time servant of Government, and that for the whole 24 hours he is expected to do nothing except to attend to his official duties alone. The reason for the rule is apparently only to exclude Government servants from taking part in political matters or activities of which Government does not approve, and is certainly not meant to require that for all the 24 hours Government servants should do nothing beyond the duties for which they are engaged. That would prevent any teacher from doing any outside work offered to him, though it may improve his qualification as a teacher. Teachers are badly paid, and if you do not allow them to supplement their income by giving private tuition which does not interfere with the proper discharge of their duties, the position will become very hard. You cannot increase their pay, and if you do not allow them to supplement their meagre income by private work, their position will be that of a child whom the mother will not feed and the father will not allow to beg. It will practically drive them to have recourse to doubtful means. If you consider their social status, their qualifications, and the cost of living, you will find that they are not adequately paid. The Education Department pays most niggardly. It is, therefore, in the interests of the department and of the teachers and the students themselves that we should be satisfied with the existing regulations, which are amply sufficient to secure the efficiency of both the teachers and their pupils.

The Honourable the Vice-President (Sir G. Carmichael):—The Council will now adjourn for lunch till 2-30 p.m.

The Council adjourned for lunch.

After lunch.

The Council re-assembled at 2-30 p.m.

The Honourable the Vice-President (Sir G. Carmichael) :—Order, order. Further discussion of Resolution No. 3.

The Honourable Rao Saheb H. D. Desai :—Sir, that the evil of private tuition has been tending to lower the efficiency of teaching in schools cannot be denied, but it is not confined to Government schools only. It applies to other schools as well, and I think that the remedy suggested by the honourable mover of this resolution is not the right remedy. I believe the proper course lies in the direction of the suggestion made by the Honourable Mr. Paranjpye, and I would add to it by submitting that every secondary school, whether Government or aided or recognized, should be asked to maintain a register with reference to each class in it showing the pupils who receive private tuition, and also whether the teacher in each case is the class teacher, or another teacher of the same school or any other school, or one who follows another profession. The headmaster or inspector could look into it and get reliable information and it would go a great way in checking the evil. But the course suggested by my honourable friend seems to be a difficult one and it would be very unfair to teachers in Government secondary schools to pass a resolution of this kind.

The Honourable Sir Ibrahim Rahimtoola :—Sir, the discussion which has taken place on this resolution has largely simplified my task. Most of the honourable members appear to be of opinion that the total prohibition which the honourable mover of the resolution wishes to enforce is undesirable. It must be pointed out that no teachers in Government secondary schools have the right of giving private tuition. Very salutary rules have been framed to govern the matter and I shall read out to the Council the four rules which have been laid down in this connection. I feel confident that when honourable members are in possession of the information with regard to these rules they will be satisfied.

The rules are:

(1) That no teacher in receipt of a salary exceeding Rs. 100 per mensem shall give private tuition.

(2) That the additional work involved does not in any way interfere with the legitimate duties of the teacher, and that no teacher shall give private tuition for more than two hours a day.

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(3) That no teacher shall give private tuition to a pupil of his own class.

(4) That before commencing to give private tuition a teacher shall obtain the express permission of the authority competent to sanction the remuneration to be received.

Honourable members will see that every detail in this connection is controlled by higher authorities, and this is borne out by the statistics which the honourable member read out to this Council. In answer to his interpellation he found that out of 255 teachers in secondary schools 51 only have received permission to give private tuition, and of these 51, 34 only were able to find pupils for tuition. That is to say, when 51 teachers in different parts of the Presidency were permitted to give private tuition, only 34 were able to find pupils for private tuition. That is indirectly an answer to the Honourable Mr. Paranjpye, with most of whose remarks I entirely concur. The evil is not so widespread as has been suggested.

I can quite understand that there may be breaches of these rules. If the honourable mover or any other honourable member were to draw the attention of the Educational Department to any such cases which may have come to their notice, the department will be very glad to look into them. But when the question of total prohibition of all these teachers who are accepting private tuition is raised, you have to bear in mind, as the Honourable Mr. Paranjpye pointed out, that, while there are only 25 Government secondary schools, there are about 200 private secondary schools in the Presidency, and that you could not control all these schools without bringing about a state of things which can hardly be considered very desirable in the interests of the students. I would therefore ask honourable members to consider whether a motion of this character prohibiting all private tuition is a matter of practical politics. I can well believe that in theory it is admirable and that private tuition is undesirable from the point of view of the students themselves. If students take the trouble of working up their own lessons without help, they will be better qualified to succeed than if they are helped by private tuition; but no uniform system can be laid down in this respect, and I trust that the Council will hesitate to commit itself to the total prohibition of private tuition by teachers in Government secondary schools.

There is one point which appears to me of very great importance in its moral effect, viz., that teachers should give private tuition to students in their own classes. I quite see the drawbacks of that practice and the injustice likely to be done to other students in the same class who do not receive private tuition from their own teacher. Honourable members will have observed from the rules which I read out to them that such a practice has been prohibited. The Honourable Mr. Belvi has, however, told us that he knew of a case in which, out of 30 students in a particular class, twenty received private tuition from the teacher of that class. If any such case is brought to the notice of the department, I am sure it will deal with the offender very severely.

The Honourable Mr. Belvi raised a question regarding Government servants. Under the Government Servants' Conduct Rules a Government servant may not, without the previous sanction of the local Government, engage in any trade or undertake any employment other than his public duties. It may be pointed out, however, that under the Civil Service Regulations, any officer may receive a fee from a private person, a private body, a public body whose funds are not administered by Government, or from a Native State, for work voluntarily done for it, provided that:

(1) he has undertaken the work with the knowledge and sanction in writing of the head of his department;

(2) the head of the department certifies that it can be carried out without detriment to his official duties; and

(3) the acceptance of a fee and the amount of the fee are approved by the authority having power to sanction it.

It will be observed that it is not in the case of schoolmasters only but of all Government servants that these rules are laid down. They provide for meeting exceptional cases in which Government servants may be employed on work other than their regular duties.

Taking all these circumstances into consideration, I think that no case has been made out for laying down a complete prohibition against private tuition, and that the safeguards which Government have already provided are amply sufficient to meet the case.

The Honourable Mr. D. V. Belvi :—Sir, I have listened with great interest to the debate which my resolution has provoked in this Council. I should have been really glad to hear the views of the Honourable the Director of Public Instruction. I do not know why he did not speak on a resolution which pertains to his department. However, I shall try briefly to reply to the several points that were attempted to be made against my resolution.

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[12TH DECEMBER 1919.] [*Mr. D. V. Belvi; Mr. R. P. Paranjpye.*]

I am quite alive to the fact that the sympathies of all my honourable colleagues are with the assistant teachers in Government high schools, who are at present underpaid, but, as the Honourable Sir Ibrahim Rahimtoola observed, the principle or which the resolution is based is perfectly sound. The question which this Council has to solve is whether it is right for teachers in Government high schools to be permitted to do privately what they are expected to do officially.

That is the one point on which attention must be concentrated. The sympathy extended to these teachers is well deserved, but to me it seems that the application of this sympathy is altogether misdirected. If we really sympathise with the position in which they are placed, we are in duty bound to see that their salaries are enhanced or that they are remunerated by Government in some other way. But to say that they may be permitted to add to their income in private in the line in which they are expected to work publicly is surely wrong.

One objection which was raised to this resolution was that it did not meet the case of secondary schools maintained by private persons or private bodies. We are not now concerned with private high schools, but with persons who are admittedly public servants, and the fact that teachers in private schools are allowed to do what they like is no justification whatever for allowing a public servant to do what is prohibited by law. I shall take a concrete instance. Suppose A is apprehended for a theft. Is it any defence to say 'Oh! there are hundreds of people here, 99 out of 100 of whom have committed thefts and who go scot free.' That is the kind of argument that is brought forward against this resolution. It will be for this Council and for the Educational Department to consider whether teachers, even in schools which receive grants-in-aid, should not be subjected to a prohibition of this kind. But to say that we should allow teachers in Government high schools to add to their incomes in the manner that they do at present is manifestly wrong.

We are told that educational inspectors should enquire how many boys in each class are under private instruction. Is that done? Is there any provision that such a thing should be done by the Educational Department? I shall be quite content if the department keeps a register for each boy showing whether a private tutor is employed for him; if so, who is the tutor; and whether the information is checked, say, annually or biennially by inspectors when they tour on inspection. Such a procedure might go a great way towards checking the evil, but even that is not done at present. At present teachers have been given a free hand in the matter. All that they have to do is to secure the previous permission of their superiors, and that permission is as a rule granted for the asking provided that the teachers' pay happens to be less than Rs. 100 a month.

The next argument advanced was that professors of colleges are allowed to be examiners and to earn a little money. I fail to understand that there is anything parallel between the two cases. What have professors' acting as examiners to do with private tuition? Am I to suppose that a professor of a college can give private tuition to boys in his own class provided that his pay is less than Rs. 100? If the Honourable Mr. Paranjpye had cited a single instance where professors of Government colleges were allowed to give private tuition for money to students of their own classes, I should have admitted that it was a strong point against me. I asked him twice during the course of his speech whether professors of Government colleges in Cambridge acted as private tutors to students studying in those colleges, but I did not receive any reply.

The Honourable Mr. R. P. Paranjpye :—Certainly.

The Honourable Mr. D. V. Belvi :—Well, if that is so, it is something new to me, but I do not profess to know what is the practice in England. But it seems a very strange thing in a Government college that a professor should be allowed to take fees privately for the very lessons which he is expected to teach in the class room.

The next opponent was the Honourable Mr. Sethna. He says that teachers in high schools do not require special preparation before teaching their classes. I shall only ask him whether he thinks an Indian teacher who has to teach Sanskrit to, say, the seventh standard, can do his work conscientiously without preparing the lesson at home? We know that even professors, who are far abler men, have to prepare themselves before teaching the subject to a class. To me it is very difficult to believe that any teacher, however competent he may be, will be able to teach his class conscientiously without first scanning what he has to teach and seeing the difficulties that boys are likely to find.

Another point which was made against the resolution was that a subordinate judge or other Government servant may write a book and may make money. I would respectfully say that there is no analogy between the writer of a book and a private tutor. There would be some analogy were the subordinate judge allowed to write a plaint or a written statement. The question is not whether he may not write a book on the theory of law.

SECONDARY TEACHERS AND PRIVATE TUITION—DISTRICT LOCAL BOARDS; NON-OFFICIAL PRESIDENTS—STAMP VENDORS.

[*Mr. D. V. Belvi; the Vice-President; Rao Bahadur S. D. Garud; Mr. S. B. Upasani.*] [12TH DECEMBER 1919.]

My honourable friend Mr. Parekh said that a teacher may employ himself as a clerk in a shop. I do not know of any instances in which teachers are allowed to do work of that kind.

Then comes a very strange argument from my honourable friend Mr. Upasani. He says that a Government servant is not a whole-time servant of Government for the 24 hours of the day. It is curious that this statement should have come from my honourable friend who himself has been a Government servant for many years. Can we possibly appreciate or accept an argument of this kind?

Turning to my honourable friend Rao Saheb Desai, I am glad to find on his part an admission of the existence of this evil. He says that the evil is undoubted, but that it is not confined to Government schools. Then he makes a valuable suggestion, namely, that in each school a register should be kept showing the history or progress of each boy. I believe each boy in a school is at present given a book called a 'Progress Book' in which his progress in his studies is noted. If the Educational Department undertakes to leave a column in that book showing whether the boy receives private tuition, and if so from whom, it will, I think, have a very salutary check upon the propensities of teachers who wish to add to their incomes by private tuition.

The Honourable Member in Charge referred to some rules in the Government Servants' Conduct Rules. I do not see how these rules can possibly furnish any justification for what is undoubtedly an evil.

No reply has been attempted by any gentleman in this Council to an argument which I advanced. My contention was, and still is, that to receive any money from a boy for teaching him privately what a teacher in a Government high school is expected to teach in the class-room is equivalent on the part of the teacher to receiving illicit gratification. I should like to hear from any lawyers here—any lawyers of standing—a cogent reply to that argument. I am told that a schoolmaster's pay is very small and that he may therefore be allowed to add to it in this way. May I ask this Council whether it is permissible for a policeman, whose duty it is to guard property, to receive from the owner of each house a certain amount of money for keeping a watch on the houses within his beat? It is the business of a policeman to keep a watch on the houses in his beat. We may as well say, and with more reason, that if a policeman has a large family, say five sons and seven daughters, how can you expect him to maintain himself and his family on the Rs. 10 or Rs. 12 which he gets as salary? Look at the question from the point of view of principle. If you consider that teachers are underpaid, by all means increase their pay; give them higher salaries, higher war allowances, or special remuneration, but do not allow them to add to their incomes in this manner by giving private tuition which must militate against a conscientious discharge of their duties.

The resolution was put to the vote and lost.

The Honourable the Vice-President (Sir G. Carmichael) :—Resolution No. 8. The Honourable Rao Bahadur S. D. Garud.

"This Council recommends to His Excellency the Governor in Council that the privilege of electing their own non-official presidents be granted to the remaining district local boards of the Central Division."

The Honourable Rao Bahadur S. D. Garud :—Mr. President,—I beg leave to withdraw this resolution.

The resolution was by leave withdrawn.

The Honourable the Vice-President (Sir G. Carmichael) :—Resolution No. 13. The Honourable Mr. S. B. Upasani.

"This Council recommends to His Excellency the Governor in Council that the number of stamp vendors in the several districts be increased and the rates of their fee raised."

The Honourable Mr. S. B. Upasani :—Mr. President,—I propose to move this resolution with a view to remove the inconvenience in getting stamps which is at present experienced by people living in villages. The number of stamp vendors in the Presidency is far too limited to allow the ryots sufficient facilities for obtaining the stamps they require. They have to go miles together and spend considerable time and suffer loss of wages to get the stamps they want. It will be seen from last year's report of the Stamp Department that there are in all only 1,159 stamp vendors in the whole Presidency. They are distributed as follows:—300 in the Central Division; 182 in the Northern Division; 344 in the Southern Division; and 333 in Sind. This works out at one vendor for 24 villages and for an area of 106 square miles. Coming to districts particularly, the proportion is very varying. In the districts in the Central

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Division we find that there is one licensed vendor for from 30 to 42 villages and for an area of from 134 to 206 square miles, except in East Khandesh and Nasik where the proportion is one vendor to 20 and 27 villages and to 64 and 96 square miles respectively. In Gujarat there is one stamp vendor for from 13 to 27 villages and for an area of from 36 to 106 square miles, except in the Thana district where the proportion is one vendor to 53 villages and to 115 square miles. People in the Southern Division are more fortunate, because there the proportion is one vendor for from thirteen to 45 villages and 67 to 76 square miles, except in the case of Kanara in which district the proportion is one vendor to 50 villages and to 157 square miles. Then, looking to the area and the number of villages and also to the value of the stamps sold, we further find that the several districts do not stand equally well and are very unequally served. Thus, we find that in West Khandesh, which includes 1,096 villages and covers an area of 5,439 miles, there are only 35 stamp vendors, though the value of judicial stamps sold comes to Rs. 1,56,797 and that of non-judicial stamps to Rs. 73,336. On the other hand, Bijapur, which has nearly the same number of villages and the same area, has 81 stamp vendors, though the value of the stamps sold is much lower, being only Rs. 76,657 in the case of judicial stamps and Rs. 60,140 in the case of non-judicial stamps. The same will be found to be the case if we compare the figures for the other districts in the several divisions; another fact which has to be noted is that out of the total number of 1,159 stamp vendors, a considerable proportion is posted at district and taluka headquarters, so that so far as the outside villages are concerned, the number is still smaller. On a reference to the figures of the census returns we find that these taluka places and district headquarters for the greater part include only towns which have a population of more than 5,000. These, however, number only 215 out of a total number of 26,256 villages and towns in the Presidency. Out of these, 15,264 have a population of less than 500 each and 6,497 of between 500 to 1,000, while not less than 3,217 towns have a population of between 1,000 and 2,000, and 1,010 towns a population of between 2,000 and 5,000 each. Considering these figures referring to the several classes of villages and towns, I think it is necessary in the interests of the poor people that much better provision should be made for the supply of stamps to them. In most cases they have to go miles together to the village where there may be a stamp vendor. If he is not at home, they have to go again, so that in order to get a stamp for two annas they have to spend half a day and sometimes more. Very often stamps of the value required by the people are not in stock with the vendor, and they have to go again when the vendor gets them or to purchase stamps of higher value than they actually require. These people are thus put not only to loss of time, but also to the inconvenience of having to pay more than is necessary for their actual purpose. Government makes an annual revenue of over a crore of rupees from this source, and that being the case I think it is only reasonable to ask that it should take into consideration the actual needs of the people and make better provision.

So far as the fees are concerned, they are far too low to allow of people coming forward in larger numbers to take up these duties. In the Southern Division, where there is a larger proportion of stamp vendors, their income comes to Rs. 62 a year, i.e., a little over Rs. 5 a month, and in the Bijapur district to only Rs. 3-8-0. In the Northern Division the average is Rs. 101 a year, or a little over Rs. 8 a month, and in the Central Division it comes to Rs. 9-8-0 a month. With this very small income, it is not possible for these people to keep body and soul together. They have to pay in advance for the purchase of the stamps. For this they have to borrow and have to pay interest on the amount borrowed for capital required for the business. In their case, unless a little more is paid, and the scale of fees is raised, it will not be possible for people in the mofussil to undertake these duties. The improvement therefore that is required is to increase the number of stamp vendors and at the same time to increase the scale of their fees. The present scale allows only 1½ to two pies per rupee in the case of judicial stamps and nine pies to one anna per rupee in the case of non-judicial stamps. In the case of adhesive stamps the rates vary from three pies to one anna a rupee. The remuneration that they now get is, I think, inadequate and insufficient for the work required of the vendors. They do not remain at home all the time to allow people to get stamps whenever required, and in this way people are unnecessarily inconvenienced. To remove this inconvenience, and in the interests of these poor people, I beg that some action may be taken by Government in the direction suggested by me.

With these words, I beg to move the resolution.

The Honourable Mr. P. A. Desai :—Mr. President,—The resolution, as it stands, is vague. It says:

"This Council recommends to His Excellency the Governor in Council that the number of stamp vendors in the several districts be increased."

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How much the increase should be is not stated. I do not know if the honourable member will be satisfied if in his district one more stamp vendor is appointed. In the same way, the resolution recommends that their fees should be raised. The present rate in the case of judicial stamps is two pies per rupee, in other cases 2½ pies and so on. The honourable mover does not say to what extent the rate is to be increased. Having regard to the present number of stamp vendors, namely, 1,159 for 26,000 villages, the ratio is one stamp vendor to about 25 or 26 villages. It is no doubt a very limited number and it ought to be doubled. But when we think of the convenience of the people, there is another danger which also has to be averted. I can speak of my district but not of the surrounding districts. I do not pretend to know what the practice in the neighbouring districts is, but in my own district the general idea of the villagers is that in addition to what is prescribed by law, they are to give something additional to the stamp vendors. If I ask a cultivator to buy a stamp valued at four annas he tells me that there is no stamp of four annas, but that there are stamps which can be had for five annas. So in increasing the number of stamp vendors, the danger will be that unless their fees are adequately increased, each one will demand something for himself.

The honourable mover has told us that at present in the Central Division the amount which a stamp vendor gets throughout the year is simply Rs. 62. Having regard to prices, Rs. 62 is not sufficient even to keep body and soul together. Therefore, my submission is that the present number ought to be doubled and the rates of commission which are at present allowed to the stamp vendors should similarly be doubled.

The Honourable Mr. G. S. Curtis :—Sir, I venture to think that before taking action on the lines suggested by the honourable mover of the resolution, we ought to have more facts to justify it. It is very easy to take up an administration report, calculate the population, the area, and the profit, and say that such and such a thing should be done and that the rates ought to be doubled. I entirely fail to see that there is more virtue in having one stamp vendor for twelve villages instead of one for 24 villages. In either case, I imagine that the villagers who want the stamps will have to walk three or four miles before they can get them. As a matter of fact, I believe that the majority of the villagers generally want to have their petitions written by somebody else who is more competent to do it, and they generally go to the taluka head-quarters, so that in the ordinary course the fact that there are only five to ten vendors in the other parts of a taluka does not affect the case very much. I submit that the figures quoted by the honourable mover that there is an average of one vendor for 24 villages, and that the ryot has to walk very long distances, would not be fair to go upon.

As regards the rates given to these vendors, I must point out that the stamp vendor is never a whole-time man. He generally looks after a shop of miscellaneous articles, and only occasionally devotes himself to the sale of stamps. It is not a particularly responsible duty, and I imagine that he does not spend more than a few minutes a day upon it. Having regard to that fact, I do not think that the remuneration is insufficient; and further, I cannot accept the figures with regard to remuneration quoted by the honourable mover of the resolution without checking them. The experience of every Collector is that where a stamp vendor resigns, there is great competition for his post, and therefore it does not appear that the remuneration is inadequate.

With reference to the fact mentioned by the Honourable Mr. P. A. Desai that stamp vendors charge larger sums than the actual cost of the stamps, it is for persons in the position of the honourable member, whenever such instances come to their notice, to complain to the registrar of the court or the Collector with a view to necessary action being taken. That is, I think, the obvious course of action that you would expect a lawyer of the High Court to follow. If officers holding the position of High Court vakils do not take action of this character, it is impossible to check the imposition of extra charges by the stamp vendors.

In respect to the rates of remuneration, I must remind this Council that they are fixed by the Government of India, and therefore to raise them we should have to get the sanction of the Government of India.

I think no reasons have been advanced for accepting a resolution of this vague character. If there are cases where people have to walk unusually long distances before they get their stamps, I have no doubt that the local Collector or the Commissioner will be pleased to consider the matter and take steps to remedy it.

That there is any general want of more stamp vendors, or any inconvenience to the public generally, under the present arrangements, has not, I think, been shown at all. Any increase in remuneration would involve heavy expenditure, which would not be justified until reasonable cause is shown. In these circumstances, Government cannot accept the resolution.

STAMP VENDORS—EXAMINATION OF SECONDARY SCHOOLS—PLEADERS IN REVENUE CASES.

[12TH DECEMBER 1919.] [*Mr. S. B. Upasani; the Vice-President; Mr. D. V. Belvi; Rao Bahadur S. D. Garud.*]

The Honourable Mr. S. B. Upasani :—Sir, I was aware of the fact referred to by the Honourable Mr. Curtis that any changes in this matter as regards the scale of fees would require a reference to the Government of India. It was for that very reason that I could not make any definite recommendation as to the proposed increase in the amount by which the scale of fees should be raised. I purposely left it to Government to fix the details as to how far this could be done. My figures are taken from the official report and they have not been questioned. The Honourable Mr. Curtis said that my resolution was merely based on the report. I do not think the grievance is an imaginary one. I was personally aware of the inconvenience suffered by the people in this respect, and it was only to give the Council a clear idea of the extent of the inconvenience that I made reference to the figures given in the report. People generally prefer to go to taluka headquarters for judicial stamps required for their litigation, but the taluka headquarters may be from eight to 30 miles from a village. Is it desirable to compel people to walk twenty to 30 miles to purchase a stamp? It is certainly undesirable, and we should not leave it to the will of the stamp vendor to remain at home or not on the ground that he is not a whole-time officer. One reason why people have to wait indefinitely, and to go again and again to the stamp vendor, is because he does not hold a substantive post and is not a whole-time officer. This inconvenience ought to be met, and the only way to do so is to increase the number of stamp vendors and the scale of remuneration. The fact referred to by the Honourable Mr. Desai that in his district it is not unusual for stamp vendors to charge more than the actual value of the stamp, and that illiterate people have to pay this extra charge, goes to support the more strongly the need for the action I have suggested, and it would not be right to allow the people to continue to suffer the existing inconvenience and to pay any extra charge for the stamps to supplement the stamp vendors' remuneration. Therefore, in the interests of the masses something should be done in the direction suggested in my resolution.

The Honourable the Vice-President (Sir G. Carmichael) :—I should like to say one word before I put the resolution to the meeting, and that is that I foresee very heavy charges in connection with development when the reforms come into force; and no strong argument has been advanced why this Government should spend Rs. 1½ lakhs to Rs. 2 lakhs per annum to achieve the purposes which the honourable member has in view.

The resolution was put to the vote and lost.

The Honourable the Vice-President (Sir G. Carmichael) :—Resolution No. 4. The Honourable Mr. D. V. Belvi.

"This Council recommends to His Excellency the Governor in Council to be pleased to direct that the Educational Department should examine annually each class in Government secondary educational schools in all the subjects prescribed therefor by the department."

The Honourable Mr. D. V. Belvi :—Sir, I have to gather some information relating to this resolution from the Educational Department. My information is not yet complete, and I therefore request permission to postpone this resolution to the next Council meeting.

The resolution was by leave postponed.

The Honourable the Vice-President (Sir G. Carmichael) :—Resolution No. 9. The Honourable Rao Bahadur S. D. Garud.

"This Council recommends to His Excellency the Governor in Council that Commissioners and Collectors be requested not to refuse admission to lawyers to argue before them in applications and appeals under the—

(1) Land Revenue Code,
(2) The Income Tax Act,
(3) The Watan Act,
and other similar matters."

The Honourable Rao Bahadur S. D. Garud :—Sir, last year I asked Government to inform the Council of the places in which Commissioners and Collectors did not allow pleaders to appear before them. I was told that it was a matter of discretion, and from that I inferred that it was not confined to any particular district, but depended on the officer concerned.

Sometimes the officer exercises his discretion by allowing pleaders to appear before him under these acts, and sometimes he refuses them permission. I submit that this matter should be governed by some rule. Judicial discretion is not a matter of chance but is something which is governed by justice, equity, and good conscience, and therefore some kind of rule ought to be observed in these cases.

PLEADERS IN REVENUE CASES.

[*Rao Bahadur S. D. Garud; Rao Bahadur G. K. Sathe.*] [12TH DECEMBER 1919.]

Generally speaking, clients never depend upon themselves to make any applications to officers under these acts. They go to pleaders to discover how the applications are to be made, or upon what particular points of law they should be based, and these applications have to be drafted by lawyers. When they have been so drafted, the lawyers sometimes find that the petitioners themselves have to present their applications. As a rule a petitioner is not able to understand the application or to argue on the grounds on which it is based, and he finds that his work consists of handing over the application to the officer concerned and then quietly retiring. In these cases he certainly feels that justice is not being done to him, although I know that the officer may very carefully peruse the application and write his orders on it. The point is that it is not only important to do justice, but to show that justice is being done by seeing that the petitioner receives satisfactory answers to his doubts when his petition is refused. I therefore think that the time of the officer is very properly employed when he is hearing a lawyer as to why a particular petitioner has appealed. Sometimes this discretion is exercised by officers in a widely different manner. No particular reason is given for a refusal, and the lawyer or the petitioner has to be satisfied with the officer's decision not to allow any one to explain the complaints in the application. In some cases there really seems no reason why lawyers should not be allowed to appear. The questions are technical and can be handled only by men who know the particular statute under which an application or appeal is being made. I therefore submit that there should be a general rule not to refuse admission to lawyers when they are sent to explain their clients' cases. I do not think there can be any particular reason why they should not be allowed to appear. At any rate no such reason has been advanced, and I hope the resolution will commend itself to the Council.

The Honourable Rao Bahadur G. K. Sathe :—Sir, my friend, the Honourable Rao Bahadur Garud, will be surprised to hear that, although a member of the same profession, I do not agree with him and cannot support his resolution. I oppose it, not because I am against my own class, but because the resolution is worded in such a way that we ask Government to show some grace to the lawyers. My point is that, if they are entitled to appear, let them appear, and no one will have the right to dispute their presence in court. If under statute they have no right to appear, why request Government to issue orders to their officers that permission should be granted to lawyers to appear in particular cases?

There are instances in which discretion has been very wisely exercised by the Commissioners and Collectors. I have been practising at the Bar for over twenty years, and my experience has been that, in many cases arising out of the Land Revenue Code, the Watan Act, and so on, permission has been granted to pleaders to appear. I am not very familiar with the procedure followed in the Commissioner's office, but I know that in important cases some Commissioners have allowed the parties concerned to be represented by their pleaders.

To take first the question of applications and appeals under the Land Revenue Code. There are certain provisions in that Code which give discretion to the presiding authority to admit pleaders or not. They are generally admitted if the case is serious, or if the injustice that is complained of is of a flagrant character.

In income tax cases, if I rightly understand the present act, pleaders have a right to appear and in my district at least under the new act of 1918 pleaders have invariably been allowed to appear and to argue the appeals before the income tax commissioners.

(His Excellency the President at this stage occupied the chair.)

The third point is about applications and appeals under the Watan Act. I look at this resolution more from a lawyer's point of view. At present is there any such difficulty being felt by the lawyer class as is sought to be made out by the honourable mover? Under Regulation II of 1827 we are allowed to practise in all judicial proceedings. Now everything depends on the fact whether a particular proceeding is a judicial proceeding or not. To my mind it appears that, as far as the lawyer is concerned, his cause will not be furthered by this resolution. I am afraid that, if the resolution is rejected by this Council, the concession which is now given to us (if it is a concession at all: I say it is a right in certain cases) might be stopped. I, therefore, earnestly ask my honourable friend Mr. Garud whether he would not consider it safer to withdraw the resolution and not to place it before the Council for consideration.

Under the new bill which was for some time before Government, and the object of which was to repeal Regulation II of 1827, a provision has been made for the appearance of lawyers in revenue, watan and other proceedings. That has been done not because Government wants to give further representation to the lawyer class, but because, under the definition which has been given in Regulation II of 1827, lawyers have a right to appear in certain proceedings. That right is continued to them. I shall mention one case particularly under the Land Revenue

PLEADERS IN REVENUE CASES—TRAINING OF SECONDARY TEACHERS.

[12TH DECEMBER 1919.] [*Rao Bahadur G. K. Sathe; Mr. G. S. Curtis; Rao Bahadur S. D. Garud; the President; Mr. S. B. Upasani.*]

Code in which one of the judges who tried an immortal criminal sessions case in this Presidency against a mamlatdar remarked that such a serious offence would not have occurred had the revenue authorities allowed lawyers to represent parties in assistance appeals. This point was specially brought to the notice of Government by that Sessions Judge, and I am sure that Government will, if necessary, issue orders on such points to their officers. My earnest desire, however, is that this resolution should not be pressed by the Honourable Rao Bahadur Garud.

The Honurable Mr. G. S. Curtis:—Your Excellency,—The points raised by the last speaker are of a somewhat legal nature, and I must confess to this Council that I am not prepared on behalf of Government to say what its decision may be.

Speaking generally, the view of Government is that it is prepared to instruct its officers to allow representation by lawyers or pleaders if that course is helpful. Further than that we cannot go. As the Honourable Rao Bahadur Sathe pointed out, the question as framed in the resolution involves legal issues, and it is impossible at this moment to form any opinion on the various points.

I suggest that the honourable mover might perhaps be satisfied with the assurance that Government will instruct its officers to allow representation by lawyers if that course is helpful, and leave the matter in this way without raising the legal question which, as the Honourable Rao Bahadur Sathe has said, is otherwise likely to arise.

The Honourable Rao Bahadur S. D. Garud:—Your Excellency,—I did not bring this resolution in the interests of the lawyers. Lawyers can defend their own interests and I am quite content to leave them alone. I brought this resolution in the interests of the general public. What practically happens is that a party engages a lawyer in a case of this description, the lawyer goes to the particular officer concerned, and that officer says that he will not admit a lawyer. The latter returns and the poor client who has engaged him is deprived of the benefit of his help. It is said that there is discretion vested in the officers to allow or not to allow lawyers to appear in these matters and it is to prevent that discretion from being exercised that I have brought this resolution. I see no reason why a lawyer may not be allowed to appear before a Commissioner or a Collector, and, since Government is willing to give that assurance, I do not see what thorny points remain to be settled.

If I am allowed to know what particular points are referred to by the Honourable Mr. Curtis, I shall consider whether to withdraw the resolution or to place it before the Council.

His Excellency the President:—I am not quite clear whether the honourable member is seeking to withdraw his resolution. The matter is rather complex, and Government can do no more by way of explanation than to say that it is prepared to instruct its officers to allow representation by lawers in the appeals referred to whenever such a course is likely to be helpful. If the honourable member considers the matter carefully, I think he will see that some degree of latitude and discretion must be allowed to Government officers, and I am afraid that Government cannot accept the resolution as it stands. I am sure the honourable member will be satisfied with the assurance that has been given, and I should like to know whether he is inclined to press for a division, or to withdraw his resolution.

The Honourable Rao Bahadur S. D. Garud:—Your Excellency,—I do not know why any reservation is necessary. However, since Government has given an assurance that it will instruct its officers generally, I withdraw the resolution.

The reslolution was by leave withdrawn.

His Excellency the President:—Resolution No. 14. The Honourable Mr. S. B. Upasani.

"This Council recommends to His Excellency the Governor in Council that provision be made in arts colleges for the training of secondary teachers."

The Honourable Mr. S. B. Upasani:—Your Excellency,—I propose to move this resolution to meet the very inadequate provision which at present exists for the training of teachers for secondary schools. Out of the total number of 3,416 teachers who are in the middle and high schools for Indians, only 726 are trained, while 2,690 are untrained. In 1916-17 the number of teachers in these schools was 3,288, and out of these only 616 were trained and 2,672 were untrained. The matter attracted the attention of Government, and in their review of the report of the Honourable the Director of Public Instruction for 1916-17 this is what Government was pleased to observe on this point in their resolution No. 297 dated 1st February 1919:

"The Governor in Council regrets to find that the Director of Public Instruction is unable to speak very favourably of the actual work accomplished by the Training College

TRAINING OF SECONDARY TEACHERS.

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for secondary teachers in Bombay, but realises that the circumstances have been adverse .....At present it is to be feared that the advantages of a strict and careful training are not sufficiently appreciated either by the teacher himself or his employer.....Government are giving their attention to the problem of increasing the accommodation in the College and enlarging its activities. At the same time they are not prepared to undertake the responsibility of providing trained teachers for every secondary school in the Presidency. In the opinion of His Excellency in Council, this is a duty which devolves upon educational associations, school managements, and private individuals, and it is a duty in the execution of which Government are willing to offer not only sympathetic advice but also substantial pecuniary assistance."

Subsequent to the date of the resolution just referred to, this matter was again most carefully considered by the Honourable the Director of Public Instruction in connection with a letter No. 813, dated the 30th August 1916, from the Government of India, and in the course of his report he stated that the case of secondary teachers required little elaboration, and observed as follows :

"Out of 2,868 secondary teachers in Government and aided and recognised schools in 1915-16, only 660 were trained.....The facilities for training are ludicrously inadequate and have been long recognised as such by both Government and the Department. Want of funds has prevented the extension of facilities. There is but one training college, the benefit of which is practically restricted to Government schools, and which turns out but 34 trained teachers per annum. If we accept seven per cent. as a normal rate of increase for secondary teachers, and allow four per cent. for wastage, we have to provide for each year after 1915-16 about 315 secondary trained teachers, or 1,575 in five years.....For this our present machinery is hopelessly insufficient.....It is for consideration whether the adoption to a much larger extent than at present of aided agency in training teachers might not reduce the otherwise very considerable expenditure which would be involved in any attempt to make good deficiencies through Government institutions only. The cost of turning out a trained student from the Secondary Training College is annually Rs. 1,313."

Government, in its resolution No. 1714, dated the 9th July 1918, on this letter from the Honourable the Director of Public Instruction, admitted that the machinery for training teachers was wholly insufficient, and further stated as follows :

"Having regard to the fact that the needs of primary education have.....a predominant claim on the resources of the state, and that the scheme for training primary teachers which has been approved will commit Government to a large expenditure, it appears to Government that it will be impossible to find the funds for training the full number of secondary teachers required.....It will, therefore, be necessary to adopt a lower standard than that suggested by the Government of India for a long time to come. In the opinion of the Governor in Council what should be aimed at by Government themselves is to provide annually a sufficient number of trained teachers for all Government institutions, and for the rest to depend upon aided secondary training institutions, as suggested by the Director."

This resolution was issued on the 9th July 1918. I do not know how far the subject has advanced since then, but apprently until last year Government was not prepared to do what was necessary in this matter and expected private associations and private bodies to do it. I would humbly submit that it would be more difficult for private associations and private bodies to take up this responsible work when it is so difficult even for Government itself to undertake it. However, it entirely depends upon the facilities for the training of secondary teachers whether a substantial advance is to be made in secondary education, and it is very necessary that every attempt should be made to afford the required facilities in that direction. The University has recently instituted a degree for this branch of education——I mean a diploma in teaching. I understand a curriculum for this degree has been drawn up by the University and submitted for the approval of Government. I do not know whether it has yet been approved or not, but I hope it will be sanctioned soon and needful provision made in at least some of the existing Government arts colleges for the training of secondary teachers. I think Government should also help the aided colleges with grants to enable them to open courses for this training in their own institutions. The Fergusson College has its own high school and middle school, which could serve as practising schools. The other arts college at Poona has also its own school. The St. Xavier's College and the Wilson College have also their own secondary schools which might very well serve as practising schools. And if Government were prepared to assist these aided colleges on the lines I have indicated, I am sure what is necessary will be done to meet the needs of the Government as well as of private institutions as regards secondary teachers. Therefore, in the interests of secondary education I beg to commend this resolution to the Council.

TRAINING OF SECONDARY TEACHERS.

[12TH DECEMBER 1919.] [*Mr. R. P. Paranjpye; Mr. Lalubhai Samaldas Mehta; Mr. J. G. Covernton.*]

The Honourable Mr. R. P. Paranjpye :—Your Excellency,—I do not think that the Council would be well advised in accepting the resolution as it stands. My honourable friend has already mentioned that the University last year passed detailed regulations regarding a degree in teaching. The proposal to institute this degree in teaching has gone up to Government, but Government is taking a long time over it. I do not know the actual reason, but I suppose we must presume that the delay is due to some differences of opinion in the matter. I think the proper remedy is to sanction the regulations for this University degree as soon as possible.

As far as the question of arts colleges making arrangements to open classes for the training of secondary teachers is concerned, it appears to me almost an absurd proposition. Of course, I know that there are some subjects which a professor in a college could teach in this course. A professor of psychology, for instance, might be of some use in teaching parts of the method of education. But to a great extent the work has to be done in connection with secondary schools, and the course proposed by the University has gone, I think, the right way. In the proposed regulations a student has to study in the training college for one complete year and then work for one year in a secondary school. For those students who cannot afford to study for one complete year in a training college, the University has proposed an alternative. It says that some schools might be recognised so that if a student has worked in one of them for three years as a regular teacher, and the school undertakes to give him some practical training and practical help in the science of teaching, he might also be allowed to appear for this degree in the same manner as private students. In many of the provinces there is already a degree in teaching (L.T. or B.T.), and I do not know why our Government should have waited so long in regard to the proposal of the Bombay University. I really do not understand the causes of the delay, but I believe it may be due to some differences of opinion between Government and the University; however, we should like to have this matter disposed of without further delay. The teaching profession has got to be organised. It is not sufficiently organised in this Presidency as, for instance, it is in the presidency of Madras. They have much better teachers there so far as the science of teaching is concerned.

The proper method to adopt is not to ask the arts colleges to make provision for training secondary teachers, because the work of training colleges is of an entirely different character. I therefore think that we should not ask the arts colleges to do this work. I know for instance that the society with which I am connected would be very glad in favourable circumstances, and particularly if Government is prepared to give substantial assistance, to start a training college themselves; but to ask the Fergusson or any other college to provide the necessary arrangements is not, I think, a question of practical politics. Separate institutions are really required and, if they are to be connected with any other institutions, they should be connected with secondary schools rather than with arts colleges. With these remarks I hope that my honourable friend will not insist on this resolution being put to the vote.

The Honourable Mr. Lalubhai Samaldas Mehta :—Your Excellency,—I entirely agree with the remarks of the Honourable Mr. Paranjpye. The University has made certain proposals which I think cover almost all that the Honourable Mr. Upasani wants and in fact go much further. What the Honourable Mr. Upasani's proposal amounts to is that the arts colleges should do the work which is done by the training colleges at present, but it would be done in a slipshod manner. We require something better. We want a separate college for teaching the course required for the degree of B. T. When the Senate considered this question, they hesitated at first, and said that unless there was a college to teach the course they would not have a degree. At that time my honourable friend Mr. Paranjpye and other professors of the Fergusson College gave an assurance that, if a degree in teaching was established, they were prepared to start a college themselves. That assurance the Honourable Mr. Paranjpye has given even to-day. He says that his society would be prepared to start a college under favourable circumstances, and if Government gives substantial financial assistance. If Government is not itself prepared to start more training colleges, the best thing would be to give grants to societies like that of my honourable friend Mr. Paranjpye to enable them to start colleges. That, I think, is the right course, and I hope my honourable friend Mr. Upasani will see his way to withdraw his resolution.

The Honourable Mr. J. G. Covernton :—Your Excellency,—I have very little to add to what has been said by the Honourable Mr. Paranjpye and the Honourable Mr. Lalubhai Samaldas Mehta. The resolution as moved by the Honourable Mr. Upasani seems to me extremely vague, and I do not think he has quite realised how it would work in practice. If this resolution is passed, the Honourable Mr. Paranjpye has indicated the difficulties which would be felt by the various colleges. In the case of Government colleges, it might be possible to provide the necessary staff at considerable expense, but I think that the aided colleges would find it very difficult

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[*Mr. J. G. Covernton; Sir Ibrahim Rahimtoola; Mr. S. B. Upasani.*] [12TH DECEMBER 1919.]

to do so. It is all very well to say that these aided colleges have high schools connected with them which they could use as practising schools. But it must be remembered that it might be very inconvenient to utilise them in that way. I think that the Honourable Mr. Lalubhai Samaldas Mehta has indicated a preferable way—and it is a method to which the department certainly has no objection—that special colleges or institutions *ad hoc* should be established. I may be permitted to say that Government has considered this question and that a proposal is now before it for a greatly enlarged secondary training college, which will enable a very much larger number of teachers, possibly 150 or so, to be dealt with at a time. If that is not enough it may be possible later on to supplement it with another college somewhere else. At the same time proposals of that kind would not militate against giving grants to representative societies to enable them to do something in the same direction.

In the circumstances, it seems to me that the method proposed by the honourable mover of the resolution is unsatisfactory and, if he will pardon me for saying so, really impracticable, and I should much prefer to adopt one of the methods mentioned by the Honourable Mr. Paranjpye and the Honourable Mr. Lalubhai Samaldas Mehta.

The Honourable Sir Ibrahim Rahimtoola:—Your Excellency,—I have very little to add to what the Honourable the Director of Public Instruction has said. No one disputes the fact that a largely increased supply of trained teachers for secondary schools is necessary. The question is in regard to the best means of securing them. As the Honourable Mr. Covernton has pointed out, Government has practically decided to establish a new secondary training college in Poona instead of the one at Bombay, and that college will train about 150 teachers per annum. That will go a great way towards meeting the demand which doubtless exists for secondary trained teachers. The method of obtaining this supply of trained teachers which the Honourable Mr. Upasani has advocated has, as pointed out by the Honourable Mr. Paranjpye and others, been clearly shown to be impracticable. If a resolution of this character is to be brought at all, I think that it should be submitted not to the Legislative Council, but to the University, which has already decided to institute a degree in teaching. Let the University decide on the means to be provided for training the teachers whom they wish to examine. After all, the Bombay University is an examining institution, and it is for them to consider the means to be employed for training students who are to appear at their examinations.

There has been considerable difference of opinion among experts with regard to the provision of means and facilities for training secondary teachers, in order to admit them to the examination which the University is instituting, and that is the reason why orders have not yet been passed. However that might be, so far as the resolution before the Council is concerned, I think honourable members will be satisfied that the method which the honourable mover has advocated is not practicable, and that Government is doing everything in its power to increase, in the right manner, the number of trained teachers for secondary schools.

For these reasons, I hope that the Council will reject the resolution, unless the honourable mover wishes to withdraw it.

The Honourable Mr. S. B. Upasani:—Your Excellency,—I had hoped to receive wholehearted support from the Honourable Mr. Paranjpye in what I urged in my resolution. I regret to find that he has been able to extend it only half-heartedly. I think that in England and America provision for training teachers is made in all collegiate institutions and even in secondary schools, and I do not know why it should not be possible for higher institutions in our Presidency to make similar provision for it. The existing provision in the secondary teachers' training college maintained by Government in Bombay is admittedly unsatisfactory and inadequate. At present the department entertains graduates as probationers and keeps them for four or five years, until their turn comes to be admitted to the training college, and some are over-age before they can be admitted, until which time they are uncertain as to their future prospects. Then the training given is only for one year, which is neither satisfactory nor sufficient. In these circumstances I expected that those who are connected with education, and particularly the non-official gentlemen like the Honourable Mr. Paranjpye, who have been long connected with the advancement of secondary and higher education, would be able to help us in finding a solution for this responsible and important matter. I do not insist that the required provision should be made in a particular manner or in only the arts colleges. If a separate college is more convenient, and deemed to be more efficient for this training, nobody will be more glad than myself to have it. And if Government has now reconsidered its resolutions of last year, and has decided to open an additional training college at Poona to train 150 secondary teachers a year, I think that will go a long way to meet my resolution. This lead by Government will, I

TRAINING OF SECONDARY TEACHERS—CO-OPERATIVE BUILDING SOCIETIES.

[12TH DECEMBER 1919.] [*Mr. S. B. Upasani; the President; Rao Bahadur S. D. Garud; Mr. G. S. Curtis; Dewan Bahadur K. R. Godbole; Mr. Phiroze C. Sethna.*]

I hope, be followed by the Honourable Mr. Paranjype in his own college, and rather than hold back, he will follow the example set by Government and make provision for similar training in the institutions under his charge.

With these few words, I beg, with your Excellency's permission, to withdraw the resolution.

The resolution was by leave withdrawn.

His Excellency the President:—Resolution No. 10. The Honourable Rao Bahadur S. D. Garud.

"This Council recommends to His Excellency the Governor in Council that Government do take active steps to provide facilities in obtaining bricks, chunam and wood scantlings at reasonable rates to co-operative house building societies."

The Honourable Rao Bahadur S. D. Garud:—Your Excellency,—Government has already shown its sympathy with co-operative housing societies by the financial assistance which it has given, but mere financial assistance is not sufficient. It is, therefore, necessary to afford some practical facilities for the working of these societies. Government can come to their aid by providing them with special facilities to obtain necessary housing materials. Government has control of large amounts of wood and chunam, and can also instruct the Director of Industries to provide facilities for creating machine-made bricks. Government can easily provide all these facilities, and I have accordingly brought forward this resolution to request Government to provide them, in order to aid municipalities also. If Government maintains, for instance, on the main lines at convenient spots depots for scantlings of wood, and provides some machinery and expert advice for making bricks, it will help the housing societies immensely. Unless these facilities are provided, I do not think the housing societies will be able to get any real benefit from the assistance rendered by Government. I have, therefore, moved this resolution in the hope that Government will see its way to afford these facilities to housing societies, and thus indirectly help the municipalities also.

The Honourable Mr. G. S. Curtis:—Is it municipalities as well as housing societies? I did not quite catch what the honourable member said.

The Honourable Rao Bahadur S. D. Garud:—The municipalities do not want help, but it would assist them to have good housing in their areas.

The Honourable Dewan Bahadur K. R. Godbole:—Your Excellency,—The resolution that has been placed before the Council by the Honourable Rao Bahadur Garud seems to me to militate against private enterprise. The only assistance that can be given by Government to co-operative building societies is the capital required for the construction of their buildings, out of the public revenues, on the same terms as those on which Government are able to borrow in the open market. The other facilities which the honourable member wishes to secure for these societies at the hands of Government are matters of private enterprise which should not be interfered with. The preparation of chunam, the manufacture of bricks, and the conversion of log wood into scantlings, are trades which are in the hands of private tradesmen, and I think Government will not be justified in interfering with these private trades. As I said, the only help that co-operative housing societies should get from Government should be financial help, which is being given already. Beyond this, Government should do nothing for these housing societies. If assistance on the lines asked for is given, it will also discourage large building contractors all over the Presidency who are employing machinery and improved methods in manufacturing building materials on economic lines, wherever practicable. I therefore oppose the resolution that has been placed before the Council.

The Honourable Mr. Phiroze C. Sethna:—Your Excellency,—I entirely agree with what has fallen from the Honourable Dewan Bahadur Godbole. What the honourable mover wants Government to do, would amount, as the Honourable Dewan Bahadur Godbole has pointed out, to competition with traders and contractors. This surely Government does not desire. What is more, the logical sequence of the Honourable Rao Bahadur Garud's proposal would be that once Government begins to supply chunam and other materials it would next be asked to supply labour at a rate which would be cheaper than that at which it was ordinarily obtainable. The honourable mover wants to give relief to co-operative housing societies. But, as their very name indicates, because they are co-operative bodies, they will be dealing with a larger number of houses than an individual owner will do, and that being so, they will be able to buy chunam, bricks, and other materials, cheaper than others buying smaller quantities. Consequently, a member of a co-operative housing society would be much better off than if he were building on his own without the help of a co-operative society. Government is doing enough in extending monetary help, and cannot be expected to go any further.

CO-OPERATIVE BUILDING SOCIETIES—VISUAL INSTRUCTION.

[*Mr. G. S. Curtis; Rao Bahadur S. D. Garud; the President; Mr. S. B. Upasani; Sir Ibrahim Rahimtoola.*] [12TH DECEMBER 1919.]

The Honourable Mr. G. S. Curtis:—Your Excellecny,—I have very little to add to what has fallen from the Honourable Mr. Sethna and the Honourable Dewan Bahadur Godbole. Government is anxious to give assistance to co-operative housing societies, and for that reason has made an offer of financial assistance on very good terms, but it cannot undertake to supply materials of this nature. As at present drafted, the resolution cannot be accepted by Government.

The Honourable Rao Bahadur S. D. Garud:—With your Excellency's permission, I beg to withdraw the resolution.

The resolution was by leave withdrawn.

His Excellency the President:—Resolution No. 15. The Honourable Mr. S. B. Upasani.

"This Council recommends that steps be taken to get photographic and stereographic plates to be prepared to illustrate the history and geography of each district and that needful provision be made for proper inspection of visual instruction in the districts."

The Honourable Mr. S. B. Upasani:—May it please your Excellency,—I had drawn attention to this subject by a resolution which I moved in March last year, and I was then assured that necessary action would be taken after Government had catalogued all the slides, on which a good deal of money had already been spent by the department. That work, I believe, has been completed and I recommend that this work may now well be undertaken. Even at the time that I moved my last resolution, the desirability for action in the direction indicated in my resolution was, I think, recognised by Government. The slides prepared for my district had met with the approval of the late the Honourable the Director of Public Instruction (Mr. Sharp), and I believe they have also met with the approval of the Honourable Mr. Covernton. These were prepared by an officer of the department at his private expense, but I do not think it will be possible for him to prepare them for the other districts unless needful pecuniary help is extended to him by Government. It is very necessary for the pupils of primary schools that action should be taken regarding visual instruction, so far as the illustration of local history and geography is concerned. These slides appeal to their eyes and ears, and I think leave a vivid and enduring impression of all that they are taught by means of this visual instruction. Therefore, I hope that Government will be pleased to accept the resolution which I have moved.

The Honourable Sir Ibrahim Rahimtoola:—Your Excellency,—The honourable mover will be pleased to hear that Government is in full sympathy with the object with which this resolution has been brought forward. As the honourable member is aware, this subject was taken up as an experimental measure, and a non-recurring grant was provided in the budget to gain experience as to whether this method would be really beneficial. Government believes that sufficient time has already elapsed in carrying out the experiment, and is satisfied that it is to the advantage of the students. Government has therefore decided to provide a recurring grant in the next year's budget with a greatly reduced non-recurring provision so that the object which the honourable mover has in view will be met, if these items are allowed to stand. The honourable mover's further object will also be attained by a provision which it is proposed to make in the next year's budget of Rs. 3,000 for the entertainment of a special officer in connection with the organisation of visual instruction. The honourable mover will therefore see that all he desires is being done, subject of course to the condition that the provisions made in the budget are accepted by the Legislative Council.

A catalogue of all the slides is ready and covers a large number of pages in small type. Further work in the same direction is contemplated. With this assurance, I hope that the honourable mover will be satisfied and will withdraw the resolution. Further action depends upon the passing by the Legislative Council of the proposals which Government has embodied in the next year's budget. I am quite ready to assure him that as soon as the budget is passed, and if these provisions are allowed to stand, his wishes will be carried out in the direction indicated.

The Honourable Mr. S. B. Upasani:—Your Excellency,—I am thankful to the Honourable Member in Charge for the assurance that he has given, and I have no objection to the withdrawal of the resolution.

The resolution was by leave withdrawn.

CO-OPERATIVE SCHOLARSHIPS.

[12TH DECEMBER 1919.] [*The President; Rao Bahadur S. D. Garud; Mr. Lalubhai Samaldas Mehta; Mr. G. S. Curtis.*]

His Excellency the President:—Resolution No. 11. The Honourable Rao Bahadur S. D. Garud:

"This Council recommends to His Excellency the Governor in Council that at least two scholarships be granted to selected persons every year for the study of co-operation in foreign countries.

The Honourable Rao Bahadur S. D. Garud:—Your Excellency,—Your Excellency's Government has shown a good deal of interest in this subject, and considerable interest in co-operative matters has also been aroused among the general public. It is, therefore, necessary that co-operation should be studied in foreign countries and that we should have the assistance of experts in developing this movement. A similar resolution has been accepted by another provincial Government, and I hope your Excellency's Government will accept this resolution and afford practical help for the study of co-operation.

The Honourable Mr. Lalubhai Samaldas Mehta:—Your Excellency,—A similar suggestion was made at the first meeting of the Co-operative Institute, presided over by your Excellency, when you showed your sympathy for this proposal. If however I remember rightly, you said that the initiative should come from the Institute or the public, and that later the question might be discussed by Government. Your Excellency further said that we should not count upon Government for any financial assistance at present, but that subsequently, if there was a definite proposal and some funds had been collected, we might approach Government for a grant-in-aid.

Personally I do not think that the stage has been reached when we should ask Government to accept this resolution. Later it may be necessary to send out co-operators to study the various systems of co-operation in other countries, but the time is not yet ripe for this action and I hope my honourable friend will withdraw his resolution.

The Honourable Mr. G. S. Curtis:—Your Excellency,—I may say on behalf of Government that this suggestion has received consideration, and the conclusion arrived at is that it cannot be accepted in its present form. Co-operation has not yet reached the stage when it may be described as an exact science, and the theory that a university graduate might, after taking his degree, receive in Europe or elsewhere a further course in co-operation is perhaps rather premature. Further, it is extremely doubtful whether a young graduate would benefit by his experiences in foreign countries. Co-operation, as it stands at present, is very largely a matter of practical experience, and before any one can travel to Denmark, Ireland, or elsewhere, to study the co-operative movement there, it is necessary for him to have a groundwork of practical experience here. Only after practical experience has been gained would the expenditure of funds on a journey to foreign countries be justified. For these reasons, I think the line Government is prepared to take is that indicated by the Honourable Mr. Lalubhai Samaldas Mehta in his speech. There are directions in which benefit can be gained by foreign experience, and for that reason the incoming registrar, Mr. Rothfeld, is at present on tour to certain countries to study co-operation in some of its aspects. I believe that at least one of the assistant registrars has also been given the chance of studying co-operative arrangements abroad.

Government thinks that there are cases in which experienced co-operative workers—for instance, Mr. Devdhar—who have actually done work here might be assisted to some extent when they do visit Europe, in order to enable them to make trips to Denmark, Ireland, or elsewhere. But that a system of scholarships should be founded does not at present seem to Government a practical proposition. I suggest that the honourable member may accept the assurance of Government that a reasonable amount of interest is being taken in the matter, and that Government is prepared to afford financial assistance to gentlemen who have demonstrated their practical interest in co-operative work and obtained some experience of the various problems to be solved in this country. Should the honourable mover accept this assurance, I think he will be wise to withdraw his resolution.

The Honourable Rao Bahadur S. D. Garud:—Your Excellency,—I accept the assurance of Government and beg leave to withdraw the resolution.

His Excellency the President:—In view of the reference to my remarks at the Poona Co-operative Conference, I should like to echo what my honourable colleague has said. The stage which co-operation has reached in this country, especially in the wider development now contemplated, will render some foreign experience increasingly necessary for those at the head of

CO-OPERATIVE SCHOLARSHIPS—LAW COLLEGES.

[*The President; Mr. S. B. Upasani; Mr. R. P. Paranjpye.*] [12TH DECEMBER 1919.]

the movement, but I and my honourable colleagues do not think that scholarships are at all suitable for the purpose. We are, however, anxious, that all the benefit possible should be obtained from foreign experience, and in the cases of people who, by their energy, enterprise and keenness in co-operation show themselves to be suitable, Government will sympathetically consider any form of financial assistance that will enable them to extend their knowledge on the subject.

The resolution was by leave withdrawn.

His Excellency the President:—Resolution No. 17. The Honourable Mr. S. B. Upasani.

The Honourable Mr. S. B. Upasani:—Your Excellency,—I beg to move that:

"This Council recommends to His Excellency the Governor in Council that law classes be opened at Poona, Ahmedabad and Karachi, to remove the inconvenience which the law students suffer in Bombay.

This resolution is intended to remove the very great inconvenience and hardship suffered by students who have to stay in Bombay for two years to study for their LL.B. examination. In April 1909 the number of such students stood at 342. In March last the number had reached 714, and I believe that, with the fresh admissions made in June, the total has gone up to over 800 or probably to 1,000. Your Excellency's Government has not found it possible to provide any hostel accommodation for these students. The instruction given in the law class is, moreover, only for an hour in the forenoon or an hour in the evening. There is no whole-time school. The cost of living in Bombay, as your Excellency is aware, has increased enormously; but apart from the cost of living there is the more serious difficulty of finding accommodation at all. Of these students about 135 only are from Bombay city itself. The remainder come from the mofussil. I think it undesirable that students who have finished a four years' college course should be detained in Bombay for a further period of two years under these circumstances. What do they do here? Most of those who come from the mofussil cannot afford to pay their own expenses in Bombay and have to take up posts as teachers in schools, clerks, etc. They work all day and then put in a formal attendance at a lecture for a bare hour in the evening. The right sort of training cannot be given at that late hour by the professors after their day's work. The matter has engaged the anxious attention of Government. A committee was appointed to consider what action should be taken. It was decided that a full-time school was not feasible, and the old arrangement continued except for some slight improvement. While the existing arrangement is an improvement so far as training is concerned, the economic situation is far more acute for the students than formerly. If we open classes for the purpose of study at important centres like Poona, Ahmedabad and Karachi, I think that students will not have the same difficulty in regard to house accommodation and the cost of living. They will be able to devote more time to study, and it might be possible to arrange a longer course than is feasible in Bombay under the existing arrangements. As I have already stated, most of these students are from the mofussil, and they are expected to practice in the mofussil courts. If they are trained there they will be better able to keep in close touch with the work and practice of those courts. It might be possible to give them actual training in the drafting of plaints, written statements and other legal documents, and also in the discussion of law matters, for which there is no time or convenience in Bombay.

Therefore, in the interests of efficient training, I desire that some provision should be made to remedy the inconvenience, and I think there will be no difficulty in finding efficient law teachers in places like Ahmedabad, Karachi and Poona, where so many barristers and senior pleaders are in practice.

In addition it has been noted that for many years Government has been making a profit of about Rs. 30,000 a year from the fees realised from the school, but even that amount has not been found sufficient to provide any hostel accommodation. Of course that would be a serious matter at present in Bombay. Therefore, for the convenience of students and Government alike I hope that Government will be pleased to do something in the direction referred to in my resolution.

The Honourable Mr. R. P. Paranjpye:—Your Excellency,—I have very great pleasure in supporting the resolution that has been brought forward by my honourable friend Mr. Upasani. The condition of law students in Bombay is very difficult indeed, and there is a large number of students of which details were given in answer to some questions here. The students come here simply for the purpose of attending one hour a day in the Law School.

Honourable members of this Council have always been told that for various kinds of education Government has to put down a large amount of money, but the Law School is the single educational institution which does not cost Government any money at all. Government on the

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other hand makes a profit from the Law School of something like Rs. 25,000 a year. This is a peculiar characteristic of this institution, and what we ask is that Government might be content not to make this large profit out of an educational institution, but to spend it elsewhere.

Further, there is this peculiarity about the Law School and its students. While in other professional colleges you find students taking a keen interest in their education, it is only in the Law School that they feel they are there simply for the purpose of technically keeping a term, and do not attend a single day more than the minimum number of days required by the University regulations. They calculate the minimum days they are required to keep, and after they have attended for that period they arrange to go to their homes long before the term is over. I know there have been in recent times some improvements in the Law School. In bygone days of course the attendance at the Law School was a scandal. In those days after the roll call was over some students used to get out of the windows without caring to attend the whole lecture. I suppose the matter is not quite as scandalous as it was then, but I know from information received from a large number of law students that they do not pay very much attention to their lectures, which are not of much use to them. To a certain extent I think that they are justified in thinking that way. I do not wish to speak with disrespect of the staff of the Law School, but one can say that it does not consist at any rate of leaders of the Bar and of the legal profession. I stop at that although in many cases one could make rather stronger remarks about the staff, or at least about some members of the staff, but I do not want to be personal. The Council will understand that, for the remuneration given by Government (about Rs. 350 for a professor), it is not possible for a lawyer with a very good business to undertake this work. Government has therefore to take junior barristers or pleaders for the staff of the school. If of course there were on the staff of that school people at the very top of the profession—for instance like my friend the Honourable the Advocate General—who at least lectured occasionally, the case would have been different. But people of the calibre of the present professors of the Law School can be obtained very easily in Poona, Ahmedabad, or Karachi. I think, therefore, that no great harm will be done, and a great deal of convenience secured to law students, if facilities for legal training are afforded in those cities.

Of course we may consider further the question whether the keeping of a term for the law examination should be at all necessary, but I do not want to enter into that matter. We know that many years ago the legal training that barristers got at Inns of Court in England was merely attendance at a specified number of dinners per term. In recent years examinations have been made more stringent, but 30 or 40 years ago legal education in Inns of Court consisted of a specified number of dinners and taking lessons with famous coaches in law in England. This state of things has altered now, I admit. It may therefore be a question whether the keeping of a term at the Law School is necessary. If the legal training is efficient, then certainly it is desirable to retain it.

It must be understood that we have 700 students attending the Bombay Law School, and lately, I understand, it has been found very difficult to make arrangements for all the students who are coming in. Each year students of each class have got to be divided into three or four batches, and, there not being sufficient room available in the Elphisntone College where the classes of the Law School meet, this (the Sir Cowasji Jehangir) Hall has sometimes to be made use of for the purpose of holding the classes. Moreover, these students have to reside in Bombay without any hostel accommodation, and consequently have to make their own arrangements. House accommodation in Bombay being scanty, it is difficult for them to secure rooms in the city. The Bombay climate, too, is different from that of the mofussil. At times the health of students deteriorates through this complusory residence in Bombay. We have been told that Bombay is the metropolis where the High Court of Bombay is located and that this is helpful for the study of law. But as far as I can find out the students of the Government Law School have absolutely nothing to do with the High Court. The only connection they have with the High Court is that, while going to attend the law classes for keeping their terms, they have to pass the High Court. But I have not heard of a single student going to the High Court and listening to the learned judges trying and deciding cases. Therefore the excuse occasionally made for confining legal education solely to Bombay of the presence of the High Court appears to be quite lame. There is no real connection between the two things. The best men of the legal profession are in Bombay, and that also is given as a reason why this school is confined to Bombay, but the best men of the profession are not available for the staff of the school.

The student who passes the LL.B. examination is only a pleader and as such is not allowed to practice on the Original Side of the High Court. A great number after passing the LL.B. examination practice in the mofussil courts, and a few on the Appellate Side of the High Court in Bombay, in the Court of Small Causes, and in the police courts. Therefore there is no special merit in confining legal education to Bombay only.

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[Mr. R. P. Paranjpye; Mr. Phiroze C. Sethna; the President; Rao Saheb H. D. Desai; Mr. P. A. Desai; Mr. Lalubhai Samaldas Mehta.] [12TH DECEMBER 1919.]

I think it would be very desirable for the students to be kept in places where it is convenient to house them and better for their health. As is well known, most of these students work practically the whole day in some school or office, and only attend the Law School for the purpose of keeping their terms. If they are doing other work, it may be safe for the students to do it in centres like Ahmedabad, Karachi and Poona.

For these reasons I think that the resolution should be accepted. It will relieve congestion. We have also been told that by multiplying schools of law we might multiply lawyers. I have often said that I do not particularly wish that the lawyers' profession should be overcrowded. But the effect of this resolution will not be to overcrowd the profession, but to save the students who do wish to enter it the expense of living in Bombay.

As I have said, the Law School is a very paying institution, and almost the only educational institution in the Presidency which is bringing in a large profit to Government. I do not think that Government ought to make any profit out of this institution, but should attend to the convenience of the students. I therefore hope that the Council will accept this resolution.

The Honurable Mr. Phiroze C. Sethna:—Your Excellency,—I am speaking neither in favour of nor against the resolution, and propose to strike a new note altogether. The Honourable Mr. Paranjpye has told us that students attending the law class go there for an hour in the evening. I did not know that the attendance required is at present for one hour a day. Some years ago it was only two or three hours in a week. The Honourable Mr. Paranjpye has told us how indifferently these law classes are worked. I remember an instance years ago of a certain law professor who used to have his roll call, and, although only about 30 would be actually present, when he called out the names about 60 answers would be in the affirmative, and they would all be marked as present.

The point I want to make is that it is high time for Government to consider, particularly in view of the fact brought out by the honourable mover that Government makes about Rs. 25,000 to Rs. 30,000 from the law classes, the advisability of establishing a full-time law college with full-time law professors. That would be a step in the right direction. The speakers who preceded me told the Council that students attend the law classes only for the sake of filling terms and not for real instruction, such as one might expect in an arts or science college. If we had a full-time college with full-time professors .....

His Excellency the President:—Order, Order. My impression was that the honourable member was not confining his remarks to the resolution, and now I find that that is so. The honourable member is entitled to speak with regard to the Law School, but he must not quote any alternative suggestion.

The Honourable Mr. Phiroze C. Sethna:—I bow to your Excellency's ruling. I only wanted to suggest a remedy for the present state of affairs, which I think would have been a better course for the honourable mover to follow than to have brought forward his present resolution.

The Honourable Rao Saheb H. D. Desai:—Your Excellency,—I rise heartily to support the resolution that has been moved by the Honourable Mr. Upasani. The inconvenience to the law students at present is very serious. To have to live in Bombay is very expensive, and the lack of proper accommodation causes great inconvenience. Students have to live in Bombay for keeping up the terms and some have to accept employment in one form or another to maintain themselves during the period of their stay in Bombay. The inconvenience to the students, as I have stated, is very great and the congestion at the school is also very great. If the resolution is passed by the Council, the facilities afforded to the students will be considerable, and, instead of one centre, there will be three centres where they can at least keep their terms for the law course. I therefore support the resolution.

The Honourable Mr. P. A. Desai:—Your Excellency,—I should like to give my hearty support to the resolution. I need not reiterate the arguments as to why it is necessary to have more law schools in the Presidency, but I should like to say one thing. The Honourable Mr. Paranjpye stated that, if these law classes are taken to the various places suggested, the number of pleaders might be increased. I say the number of pleaders might be increased, but it will have a wholesome effect upon the economic conditions of the people. On the principle of supply and demand, if there are more pleaders, they will charge smaller fees, and in that way the general public will benefit. With these remarks I heartily support the resolution.

The Honourable Mr. Lalubhai Samaldas Mehta:—Your Excellency,—I am sorry I have to oppose this resolution. My honourable friend Mr. Paranjpye said that he had had his fling at

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the lawyers in this Hall and outside. I have not done so, and my opposition is based on educational grounds only and not because I have not sufficient regard for lawyers. The Honourable Mr. Paranjpye says that the class of instruction given in the present Law School is not of a very superior character. But what is the logical conclusion at which he should have arrived? Not to increase the number of inferior types of law schools in the mofussil, where the professors will probably be of an intellectually poorer calibre than the professors who are giving education here, but to have a better class of professors in the Law School here. If necessary we may ask for a full-time college.

I quite realise that many of the students here do not pay sufficient attention to the teaching given in the class. It may be due partly to the fact that the teaching is not what it ought to be. It may be due partly to other causes. If, however, the right type of professor was selected and the college made a full-time one, or more time was devoted to teaching in the class than is done at present, I believe students would pay more attention to the teaching in the class instead of merely studying their books at home, as they have to do at present, without any assistance. I do not want to minimise the hardships of the students referred to by almost all the speakers. The figures show that many students had to return for want of hostel accommodation. What is the logical conclusion of that condition? It is that you ought to have more hostels. The right solution is not to have second class or inferior classes of law colleges but . . .

The Honourable Mr. Paranjpye :—They will not be inferior classes, if proper men are selected.

The Honourable Mr. Lalubhai Samaldas Mehta :—Very well. My honourable friend Mr. Paranjpye says they will not be inferior classes. He says that for our college here we do not get the best men from the legal profession to act as professors because they do find that it does not pay them. But does he really mean that the best men in the mofussil would be available there? I think the result would be that, instead of getting second rate men in Bombay, you would get second rate men in the mofussil. It is much better to have one college with the best professors that you can secure and with proper hostel accommodation. That would be the correct solution, and not the one suggested by my honourable friends Mr. Upasani and Mr. Paranjpye.

The Honourable Sir Ibrahim Rahimtoola :—Your Excellency,—I have carefully followed the discussion which has taken place, and it appears to me that a great deal of matter has been introduced into the debate which is not relevant to the wording of the resolution under discussion. It is all very well for us—I am speaking of myself as a layman—to discuss a subject of this technical character. Government has the assistance of qualified lawyers whom it consults in all these matters and whose recommendations are generally accepted. A committee of leading lawyers was appointed as recently as 1915, and one of the subjects referred to that committee for consideration was the question which the honourable mover has raised by his resolution. I will read out to honourable members that portion of the committee's report which deals with this subject. The committee states:

"The time is not yet when schools or colleges for the study of law can be allowed to be started in any place in the Presidency outside Bombay, with due regard to the sound requirements and efficiency of legal education in this Presidency."

I hope honourable members will bear in mind the words that are used by the committee, namely, 'with due regard to the sound requirements and efficiency of legal education in this Presidency.' The committee goes on to say:

"As observed by Mr. Donald, lately a Judge of the Court of Small Causes, Bombay, for some years to come the teaching of law can best be done only in Bombay where all the best facilities for that teaching exist, such as the highest courts, and a more healthy atmosphere of law and public opinion than is found in other towns in the Presidency. Bombay alone affords opportunity for studying the law in its mercantile aspects; besides that it introduces the student into an atmosphere of general culture and enlightened public opinion which are necessary and important in the development of a high standard of professional honour and etiquette. The aim of the Government and the University should be to develop and strengthen the Government Law School."

Then there was a complaint that the Law School was overcrowded and that all the applicants for admission did not find accommodation. On a reference being made to this committee, it recommended that it is not desirable to fix a limit to the maximum number of students for

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admission to the Law School, and that, if the classes become unwieldy, they should be subdivided on the principal's recommendation. Government has recently sanctioned the formation of an additional First LL.B. class at a cost of Rs. 8,616 per annum, and there are now six classes, two for the Second LL.B. and four for the First LL.B.

As regards the stu dents at present attending the Law School, the following statement will be of considerable interest to honourable members. The total number of students attending from the Northern Division is 230 ; from the Central Division 108 ; from the Southern Division 142 ; from Sind 27 ; from Bombay City 135 ; and from outside Bombay Presidency 66.

It has to be borne in mind in this connection that all the expert opinion which is available to Government is in favour of the retention of the Law School in the city of Bombay. It has been said that the professors are not drawn from the leaders of the bar. I admit it, but the professors are appointed not directly by Government, but on the recommendation of an expert board, of which the Honourable the Chief Justice is the chairman. It is a representative board of which the Honourable Mr. Parekh is, I believe, one of the members. Members of this board are conversant with all the practitioners in the local courts, and make their recommendations with a full sense of responsibility. Their recommendations are generally accepted.

Now I cannot understand how honourable members who have spoken on the subject reconcile the two statements which they have made. Firstly, they said that the class of professors appointed is inferior, and secondly that the students do not as a rule care for the lectures delivered to them. They simply put in their appearance to fill the term and then go away. Notwithstanding this, it must be regarded as curious that the results of the examination for the degree of LL.B. should show that about two-thirds of the candidates who appear get through. How do you account for that fact ? It can only be accounted for by admitting that the students possess extraordinary capacity. It is stated by some that they study by themselves, while others maintain that they have no time to do so, because they are obliged to take employment in Bombay to earn a living. If most of them do so, they must, I believe, be working in their offices from at least 11 to 5. It is alleged that they do not take any advantage of the lectures in the Law School and still the percentage of passes is something like two-thirds of the number of students who appear for the examination. Now, sir, if all these things are to be reconciled, thay can be reconciled only on the ground that the students who appear at the examination are all intellectual prodigies. Bad teachers, bad attendance, and no study ; still this result in examinations. If the explanation which I have given of the students being intellectual prodigies is not accepted, then the only conclusion can be either that the examinations are too simple or the examiners do not know their business ; and the examiners are appointed by the University of Bombay.

The Honourable Mr. R. P. Paranjpye:—May I point out that the students who pass take more than the normal number of years to pass ?

The Honourable Sir Ibrahim Rahimtoola:—Well, that is a statement which will require to be substantiated. But even assuming that to be so, it does not answer the point. If they take more than the normal number of years, they have at some period to pay proper attention to the studies which are prescribed before they can hope to get through their examination. It is all very well to criticise the existing order of things, but we have to consider all the aspects of the question. As the Honourable Mr. Lalubhai Samaldas Mehta has said, if your grievance is that you have not got good teachers, ask for better teachers. If it is that hostel accommodation is not adequate, ask for the additional provision of hostels. The real difficulty appears to me to be the want of hostel accommodation. There may be also a difficulty as to those students who are in private service. I should like, in the first instance, to know the definite views of a large body of the students themselves as to what is suitable for them in this connection. I should like to know whether the facility which Bombay provides for employment is not an advantage for them in prosecuting their studies. Does not this help in two directions ? The first advantage is that during their service they are able to pick up a considerable amount of knowledge of the internal commercial administration, which must prove of great help to them for the purposes of practice. The second advantage is that this provides an income which helps them to prosecute their studies. Before asking this Council to accept any resolution of this character, is it not necessary to ascertain what the views of the bulk of the students themselves are on the subject ? It is perfectly open to these students to bring to the notice of their principal, or to the notice of the Honourable the Director of Public Instruction, the grievances which they may have and to see whether they can be remedied or not. They may, if they so desire, ask whether it would not be possible to provide the teaching of law in other centres.

LAW COLLEGES.

[12TH DECEMBER 1919.] [*Sir Ibrahim Rahimtoola ; Mr. S. B. Upasani.*]

In this connection, it is necessary to point out what the practice is in all the other parts of India and in Great Britain. As far as my information goes, all the students wishing to qualify for the Bar in England have to go to London to do so ; all those who want to study in Scotland and Ireland have to go to Edinburgh and Dublin. Let us now examine what is the case in the other provinces of India. Law classes are established in places where the highest courts of each province are situated. In view of these facts, has a case been made out for making a departure in this Presidency? Can it be said that the present arrangement is not in the best interests of the students, who get support by service, and an insight into the internal administration of mercantile houses, thus receiving a training which it would not be possible for them to obtain in other parts of the Presidency ? Then again, is there a demand for a change ? At present the total number of students from the Central Division is 108 only. Is a school to be established there for such a small number ?

A great deal was made of the profit that Government is making. I have not looked into the figures, and I do not know whether they are correct. But I can tell you that, if all the items legitimately debitable to the Law School are taken into account, the so-called profit will have to be largely discounted. There are various other charges which have to be debited, for supervision and other matters. However, that is beside the question. Government does not wish to make a profit on this or on any other educational institution, and it is quite prepared to consider any measures which may be suggested for the improvement of instruction and for the greater comfort and convenience of the students. Government is quite prepared to incur further expenditure, if a case is made out for it. These are questions which are hardly relevant to the present discussion.

I will now invite the attention of the honourable members to the wording of the resolution, which reads as follows :

" This Council recommends to His Excellency the Governor in Council that law classes be opened at Poona, Ahmedabad, and Karachi, to remove the inconvenience which the law students suffer in Bombay."

May I enquire whether honourable members are satisfied that a sufficient case has been made out for them to pass this mandate on to Government ? The resolution recommends that three additional law classes be opened at Poona, Ahmedabad and Karachi. Apart from the merits of the case, and apart from the reasons which have been advanced both for and against the resolution, I raise the simple issue for the consideration of honourable members whether they would be justified, from the facts and arguments which have been placed before them, in passing an open mandate on to Government, asking it to open law schools at these places, without going further into the merits of the case. I am quite confident that the good sense of the honourable members will prevail, and that they will refuse to pass the resolution proposed by the Honourable Mr. Upasani.

The Honourable Mr. S. B. Upasani :—May it please your Excellency,—I am very thankful to those of my honourable friends who have been so kind as to support me. I am at the same time very sorry that the spirit of my resolution should have been construed in the manner in which the Honourable Member in Charge has been pleased to construe it. Nothing could have been further from my mind than to issue a mandate to this Council ; much less to Government. I have not the least objection to putting my resolution in as humble a way as the Honourable Member in Charge may desire. I could have it amended to some such form as follows :

" This Council recommends to His Excellency the Governor in Council to consider the desirability of opening law classes at Poona, Ahmedabad, and Karachi, to remove the inconvenience which the law students suffer in Bombay."

If the Honourable Member in Charge had suggested it, I would have agreed to do it. The resolution is not a mandate, but is in the usual form in which resolutions are placed before the Council, and I pray that it be not understood otherwise than in the spirit in which it is really meant to be placed before the Council.

Now, as regards the merits of the case, I may inform your Excellency that we speak from a personal experience of the actual state of things in the college. We have passed through it ; at least those of us who supported the resolution have done so. We are also in close touch not only with the students but with their parents also, and if the Honourable Member in Charge was in the same position, I am quite sure that he would have supported my resolution more strongly than our friends have done. The very figures which he has quoted to the Council were given by Government in reply to a question which was asked by myself in November last year, and those figures will speak more eloquently in support of my resolution than in support of the view which the Honourable Member in Charge is pleased to take. Your Excellency will note that the figures show that the number of students from Bombay city is 135 only, from the

LAW COLLEGES.

[*Mr. S. B. Upasani; the President.*] [12TH DECEMBER 1919.]

Northern Division 230, from the Central Division 108, and from the Southern Division 142. There are only 27 students from Sind. I need hardly tell this Council that the Central Division is the largest division in the Presidency. It has nearly three times the area and about double the population of the Northern Division. Yet the former division sends less than half the number sent up by the latter division. What is it due to? Students in the Northern Division can better afford a residence in Bombay and have better connections and facilities for employment in Bombay. It is, therefore, a denial of the facilities necessary to the students in the Central Division if you locate your college in Bombay city alone; and, if you make it a whole-time college, I assure your Excellency that it will be practically excluding the poor students from the Central Division effectively from the law course. Then the fact that the number of law students from the Southern Division, which has also a smaller area and less population than the Central Division should exceed that from the latter division likewise supports my view. Sind being too far away also cannot send its proper quota. When these two major divisions, the Central Division and Sind, are both thus handicapped, do you want to continue permanently the handicap on the students from both these major Provinces in the Presidency? Should they be placed in these circumstances? Is it necessary and would it be fair? Now as to the better efficiency that would be obtained by having a college in only one place, the arguments against it are so patent, and they have been so clearly and forcibly stated by the honourable member who supported me, that they should have appealed to any one who could take a reasonable view of them. 860 students are stranded here without provision for accommodation. Though the Law College has been in existence for over 50 years, it has not been found possible yet to provide even a building for it. It is still located in the Elphinstone College and has to be held at an inconvenient hour to suit the convenience of that college. The law lecturers have to lecture at an inconvenient hour. After a day's labour, it puts a double strain on the lecturers as well as upon the young students. Is it necessary that young men at the best time of their lives should be thus overstrained, and for what? For instruction which the professors may be anxious to give, but which probably the students themselves are not in a mood to receive? The students who join the law course do it after they are graduates and they are at that stage well able to study for themselves and are anxious to make the best of their opportunities. Even in these circumstances they do manage to live under uncongenial hard conditions and prosecute their law studies, but at what cost do they do it? We have lived among the students. Nobody can desire for greater efficiency for them than ourselves who know the value of teaching in law. We have ourselves been judges and been concerned with law. We know the hardships. We have come into close touch with the gentlemen who have come from this institution, and I can assure the Council that it will be in the best interests of the efficiency of the teaching and in the interest of the students and the public generally if law classes are opened in the other centres I have suggested. I do not propose that the law class in Bombay should be closed. If it be found to be more efficient, more boys will come to it than to the other centres, but why compel everybody to come here? I most humbly appeal to your Excellency that it is beyond the means of the Central Division students to remain here under present conditions. Nothing can be further from the intention of Government than to put any particular handicap upon any particular division. The Central Division is the nearest to Bombay, and yet it sends the least number of students. Why? Because the parents cannot afford to pay the heavy cost of living here. If the parents cannot afford it, should this state of things be allowed to continue when other arrangements can be made? Poona is not far from Bombay. Professors like those who are engaged here will certainly be available even at Poona, Ahmedabad, and Karachi. We get professors even from England and other remote places. We can get them from Bombay city itself and from other provinces in India also. I am sure there will be no difficulty on that score. There are distingished lawyers in Ahmedabad and Karachi who will be only too glad to take up these law lectureships if they are assured of Rs. 300 to Rs. 500 a month in addition to the income they derive from the practice they may get. Considering all these circumstances, it will be in the best interests of the students and the efficiency of the law study if Government is pleased to accept my resolution. If the Honourable Member in Charge so desires it, I shall be prepared to put my resolution in as humble a form as may be necessary. I only repeat that nothing is further from my mind than to issue a mandate in the form of a resolution.

His Excellency the President :—I am afraid that, despite the several speeches which have been made on the subject, no great case has been made out for the resolution. The question of overcrowding is the only really strong argument in its favour, and I think that that might be adduced with almost exactly similar force in Edinburgh or London to-day; but I have not yet seen any proposals that law classes should be opened in Manchester, Birmingham, and other such cities.

LAW COLLEGES.

[12TH DECEMBER 1919.] [*The President.*]

Overcrowding is an unfortunate occurrence which is at present rife all over the world. Against this, there are solid advantages in the establishment in Bombay of a school for law students. There is the High Court with its tradition, which one honourable member made very light of, although no one else has seen fit to do so. He knows very well that there is a great deal which is valuable in the tradition of the High Court, whether these law students do or do not go there every day to listen to the learned judges.

There is also that to which I should have thought honourable members would have paid more attention—the very great assistance in obtaining employment which the facilities of a great city afford to many a struggling student. All these, as well as the wider atmosphere and knowledge of commercial life (as my honourable colleague has pointed out), offset very largely the one great handicap of lack of housing accommodation.

I really do not think that honourable members would be wise in recommending this change to Government, and in any case I am afraid that my Government could not possibly accept the resolution as it stands.

The resolution was put to the vote and lost, seven members voting for and 21 against it. The Council divided as follows :

AYES.

The Honourable Mr. Dattatraya Venkatesh Belvi, LL.B.
The Honourable Mr. Pandurang Anant Desai, LL.B.
The Honourable Rao Saheb Harilal Desaibhai Desai, LL.B.
The Honourable Rao Bahadur Siddhanath Dhonddev Garud.
The Honourable Rao Bahadur Venkatesh Sriniwas Naik.
The Honourable Mr. Raghunath Purshottam Paranjpye.
The Honourable Mr. Shridhar Balkrishna Upasani.

NOES.

His Excellency Sir George Ambrose Lloyd, G.C.I.E., D.S.O., Governor of Bombay, President.
The Honourable Sir George Carmichael, K.C.S.I., I.C.S., Vice-President.
The Honourable Mr. G. S. Curtis, C.S.I., I.C.S.
The Honourable Sir Ibrahim Rahimtoola, Kt., C.I.E.
The Honourable the Advocate General (Mr. D. N. Bahadurji).
The Honourable Mr. R. H. Brooke.
The Honourable Mr. J. G. Covernton, C.I.E.
The Honourable Major C. Fernandes, M.D., F.C.P.S., I.M.S.
The Honourable Mr. F. St. J. Gebbie.
The Honourable Dewan Bahadur Kashinath Ramchandra Godbole.
The Honourable Sardar Dulabawa Raisingji, Thakor of Kerwada.
The Honourable Mr. P. J. Mead, C.I.E., I.C.S.
The Honourable Mr. Lalubhai Samaldas Mehta C.I.E.
The Honourable Mr. Gokuldas Kahandas Parekh, LL.B.
The Honourable Mr. L. Robertson, C.S.I., I.C.S.
The Honourable Mr. E. L. Sale, I.C.S.
The Honourable Rao Bahadur Ganesh Krishna Sathe, C.I.E.
The Honourable Mr. C. N. Seddon, I.C.S.
The Honourable Mr. Phiroze, C. Sethna, O.B.E.
The Honourable Colonel J. B. Smith, C.B., I.M.S.
The Honourable Mr. Purshotamdas Thakurdas, C.I.E., M.B.E.

His Excellency the President :—The Council will now adjourn.

The Council then adjourned *sine die*.

By order of His Excellency the Honourable the Governor,

R. B. MILNE,
Secretary to the Legislative Council of the Governor of Bombay.

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PART V.

Proceedings of the Council of the Governor of Bombay.

(To be translated into Marathi, Gujarati and Kanarese, and the translations to be published in the "Bombay Government Gazette". To be translated also into Sindhi and the translation to be published in the "Sind Official Gazette". The dates of publication to be reported.)

The following Bill is published under rule 28 (5) of the Rules for the Conduct of Business at Meetings of the Legislative Council of the Governor of Bombay.

Bill No. II of 1920.

A Bill further to amend the Bombay Land Revenue Code, 1879.

WHEREAS it is expedient further to amend the Bombay Land Revenue Code, 1879, in manner hereinafter appearing and whereas the previous sanction of the Governor-General required by sub-section (2) of section 79 of the Government of India Act, 1915, has been obtained for the passing of this act; it is hereby enacted as follows:—

Bom. V of 1879.

5 & 6. Geo. V., c. 61.

1. This act may be called the Bombay Land Revenue Code (Amendment) Act, 19 .

Short title.

2. In section 187 of the Bombay Land Revenue Code, 1879, before the portion commencing with the words "And all persons who may have become sureties", the following provisions shall be inserted:

Bom. V of 1879.

Amendment of section 187 of Bom. V of 1879.

"And any money ordered by a liquidator appointed under section 42 of the Co-operative Societies Act, 1912, to be recovered as a contribution to the assets of a society or as the costs of liquidation may, notwithstanding anything contained in sub-section (5) of section 42 of the said Act, be levied under the foregoing provisions of this chapter and all the foregoing provisions of this chapter shall, so far as may be, be applicable thereto:

II of 1912.

"Provided that every application for recovery in such manner of any such sum shall be accompanied by a certificate signed by the Registrar appointed under section 3 of the Co-operative Societies Act, 1912, that the amount may be recovered as an arrear of land revenue."

II of 1912.

STATEMENT OF OBJECTS AND REASONS.

The object of this amendment is to provide for the recovery under the Bombay Land Revenue Code, 1879, of sums the recovery of which is necessary for the purpose of liquidating co-operative societies under section 42 of the Co-operative Societies Act, 1912. At present recovery is possible only through the agency of the civil courts and this method has been proved to be so dilatory that the need for an amendment of the law is recognised. The present amendment is proposed as a temporary measure which will have effect until an amendment of section 42 of the Co-operative Societies Act, 1912, can be effected. A similar measure has, for similar reasons, been enacted in Bihar and Orissa [see schedule I, clause 14, and section 5 of the Bihar and Orissa Public Demands Recovery Act, 1914 (B. & O. IV of 1914)].

2. The Co-operative Societies Act, 1912, is an Act of the Governor-General in Council but may be amended locally with the previous sanction of the Governor-General under section 79 (2) of the Government of India Act, 1915.

29th August 1919. (Signed) G. S. CURTIS.

By order of His Excellency the Honourable the Governor,

G. DAVIS,
Secretary to the Legislative Council
of the Governor of Bombay.

Bombay, 29th January 1920.

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PART V.

Proceedings of the Council of the Governor of Bombay.

The following report of the Select Committee of the Council of his Excellency the Governor of Bombay on the Bill further to amend the Bombay District Municipal Act, 1901, and the Bill as amended by the Select Committee, are, in accordance with rule 25 of the Rules for the conduct of business at meetings of the Legislative Council, published for general information:—

BILL No. VI of 1919.

(*A Bill further to amend the Bombay District Municipal Act, 1901.*)

REPORT OF THE SELECT COMMITTEE.

We, the undersigned members* of the Select Committee appointed to consider Bill No. VI of 1919 (a Bill further to amend the Bombay District Municipal Act, 1901), have the honour to report as follows:—

We are, by a majority, of the opinion that an agency other than that of the Presidency Magistrate, which entails the use of the Police, should be employed for the purpose of collecting the arrears of mofussil municipalities. We have substituted for the Presidency Magistrate the Registrar of the Court of Small Causes, Bombay, and have given him the power of delegation to a subordinate officer. Clauses 3 and 4 of the Bill have been amended accordingly.

(Signed) IBRAHIM RAHIMTOOLA.
(,,) R. P. PARANJPYE.
(,,) G. K. SATHE.
(,,) HARILAL DESAIBHAI DESAI *(subject to minute of dissent).*
(,,) A. F. I. PATHAN.
(,,) C. V. MEHTA.

Bombay, 12th February 1920.

* The signature of the Honourable Mr. C. N. Seddon, I.C.S., will be published when received.

(Minute of dissent by the Honourable Rao Saheb Harilal Desaibhai Desai, LL.B.)

I am not satisfied that the Municipal Commissioner of Bombay would not be able to perform the duty now laid on him by law if provision were made for his being able to endorse the warrants to his subordinates. If necessary the Bombay Municipality may be indemnified against risk; and the expenses could be reimbursed by authorizing the levy of a fee.

2. It seems to me that the work is peculiarly suited to a Municipal Establishment and ought to be performed by the Bombay Municipality as a return for the amenities provided to the residents of Bombay by the District Municipalities. The Ward establishment is intimately acquainted with the localities where the defaulters reside and could without extra trouble perform this duty during their usual rounds.

3. If, however, the Municipal Commissioner is to be relieved at any cost, the Registrar of the Court of Small Causes, Bombay, is the next best authority to execute the warrants of mofussil municipalities, where the property of the defaulter is in the City of Bombay. He should be authorized to delegate his powers to any subordinate officer.

4. In order, however, to prevent as far as possible the evasion of payment of taxes by persons liable to pay by suddenly leaving the limits of District Municipalities it is necessary to insert the following provision in the Bombay District Municipal Act III of 1901 analogous to section 210 of the City of Bombay Municipal Act III of 1888, as section 83-A :—

"Section 83-A (1) If the officer authorized to sign a warrant under sub-section (2) of section 83 shall at any time have reason to believe that any person from whom any sum is due on account of any Municipal tax is about forthwith to remove from the Municipal District the said officer may direct the immediate payment by such person of the sum so due or about to become due by him and cause a bill for the same to be presented to him.

"2. If on the presentation of such bill the said person does not forthwith pay the sum due or about to become due by him, the amount shall be leviable by distress and sale in the manner hereinbefore prescribed except that it shall not be necessary to serve upon the defaulter any notice of demand, and the said officer's warrant for distress and sale may be issued and executed without delay."

(Signed) HARILAL DESAIBHAI DESAI.

22nd January 1920.

BILL No. VI of 1919.

A Bill further to amend the Bombay District Municipal Act, 1901.

(As amended by the Select Committee.)

WHEREAS it is expedient further to amend the Bombay District Municipal Act, 1901, in manner hereinafter appearing; It is hereby enacted as follows:—

Bom. III of 1901.

1. This Act may be called the Bombay District Municipal (Amendment) Act, 19~~19~~20.

Short title.

2. After the first paragraph of clause (*b*) of section 39 of the Bombay District Municipal Act, 1901, hereinafter called the said Act, the following explanation shall be inserted, namely:—

Amendment of s. 39 (*b*) of Bom. III of 1901.

Bom. III of 1901.

"*Explanation.*—For the purpose of this clause, octroi duty includes a terminal tax."

3. ~~In section 83 of the said Act,~~

~~(a) to sub-section 1 the following proviso shall be added, namely:—~~

~~Amendment of s. 83 of Bom. III of 1901.~~

~~"Provided that where any such property is within the City of Bombay, such sum with all costs of the recovery may be levied in the manner provided in sub-section (5) of this section and not otherwise";~~

~~(b) from sub-section (2A) the following words shall be omitted, namely:—~~

~~"Where the property is in the City of Bombay the warrant shall be addressed to the Municipal Commissioner for the City of Bombay";~~

~~(c) after sub-section (4) the following sub-section shall be added, namely:—~~

~~"(5) (a) Where the moveable property of the defaulter is within the City of Bombay, the sum payable with all costs of the recovery shall be recoverable on application to a Presidency Magistrate in the manner provided in sub-section (2) of section 161 for the recovery of fines imposed under this Act.~~

~~Recovery in Bombay.~~

~~(b) Such application may be made by the president of the municipality, or by the Municipal Commissioner if any, or in the case of a City Municipality by the chairman of the managing committee, or by an officer to whom the Municipality have delegated their powers under section 37, or by the chief officer if any, or by any municipal servant authorised in writing in this behalf by any of the persons aforesaid."~~

In sub-section (2A) of section 83 of the said Act,

Amendment of section 83 of Bom. III of 1901.

(*a*) *for the last seven words the words "Registrar of the Court of Small Causes of Bombay" shall be substituted; and*

(*b*) *the following proviso shall be added, namely:—*

"provided that the Registrar may endorse such warrant to a subordinate officer."

4. ~~To~~ *In* section 84A of the said Act, ~~the following words shall be added, namely:—~~

Amendment of s. 84A of Bom. III of 1901.

(*a*) *after the word "officer" where it occurs for the first time the words "or Registrar of the Court of Small Causes of Bombay" and after the word "officer" where it occurs for the second time the words "or Registrar" shall be inserted; and*

(*b*) *the following words shall be added to the section, namely:—*

"Such officer or ~~a Presidency Magistrate applied to under sub-section (5) of section 83~~ *Registrar* shall, after deducting all costs of recovery incurred by him, remit the amount recovered under the warrant ~~or in accordance with the application~~ to the authority by whom it was issued ~~or made~~."

By order of His Excellency the Honourable the Governor,

G. DAVIS,

Secretary to the Legislative Council of the Governor of Bombay.

Bombay, 12th February 1920.

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PART V.

Proceedings of the Council of the Governor of Bombay.

The following report of the Select Committee of the Council of his Excellency the Governor of Bombay on the Bill to amend the law relating to the regulation of Public Conveyances, and the Bill as amended by the Select Committee, are, in accordance with rule 25 of the Rules for the conduct of business at meetings of the Legislative Council, published for general information :—

BILL No. VIII of 1919.

(*A Bill to amend the law relating to the regulation of Public Conveyances.*)

REPORT OF THE SELECT COMMITTEE.

We, the undersigned members * of the Select Committee appointed to consider Bill No. VIII of 1919 (a Bill to amend the law relating to the regulation of Public Conveyances), have the honour to report as follows :—

Clause 4.—We have reverted to the provision of the present Act by which the licenses are renewed from January 1st of each year. This facilitates their renewal and the work of inspection and is in accordance with the present practice and with the petition of the Bombay Hack Owners Association. We have, therefore, in sub-clause (*c*) of clause 2 defined " Licensing year ".

Clause 5.—We have deleted sub-clause (*b*) as being vague and indefinite in its scope.

Clause 10.—We have assimilated the law to what we understand is the present practice of the Commissioner of Police in Bombay and have made a responsible veterinary officer the final judge as to the unfitness of a horse for use.

* The signature of the Honourable Mr. S. K. Barodawalla will be published when received.

Clauses 12 and 13.—We have transposed these clauses to obtain uniformity in drafting and we have in clause 12 made more precise the grounds on which a driver's license may be refused.

Clause 14.—We have by an additional clause made provision for a charge for the driver's license. This is in accordance with the law prevailing in Calcutta and is a just charge to cover the cost of badge and licensing.

Clause 18.—We have made the fixing of the legal rates of fares subject to the conditions of the sanction of the Governor in Council and of previous publication.

Clauses 20 and 26.—We have made provision for the driver to carry his license with him and to show it to a police officer on demand and we have in sub-clause (*e*) of clause 26 made it an offence to refuse to show such license or the list of fares on demand to a police officer. We have by a new sub-clause (*i*) made it an offence to use insulting or abusive language and by an addition to sub-clause (*l*) (*v*) an offence to loiter. We have increased the fine imposed by clause 26.

Clause 31.—We have by the addition of new sub-clause (5) endeavoured to prevent vexatious complaints to the Magistrate by providing for the payment of compensation in such cases.

Clause 36.—We have by the addition of sub-clause (5) provided for the payment to local authorities in Sind and the Mofussil of the fines realised under this Act after deducting expenses.

Other amendments are verbal.

(Signed) G. CARMICHAEL.

(„) PURSHOTAMDAS THAKURDAS.

(„) C. V. MEHTA.

(„) PHIROZE C. SETHNA.

(„) HARILAL DESAIBHAI DESAI.

Bombay, 17th February 1920.

BILL No. VIII of 1919.

A Bill to amend the Law relating to the regulation of Public Conveyances.

(As amended by the Select Committee.)

WHEREAS it is expedient to amend the law relating to the regulation of public conveyances; and whereas the previous sanction of the Governor General required by sub-section (*2*) of section 79 of the Geo. 5, Government of India Act, 1915, has been obtained for the passing of this Act; It is hereby enacted as follows:—

1. (*1*) This Act may be called the Bombay Public Conveyances Act, 1920.

Short title and extent.

(*2*) This section and sections ~~35~~, *36*, ~~37~~, *38* and ~~38~~ *39* extend to the whole of the Presidency of Bombay. The rest of the Act extends, subject to the provisions of section ~~35~~, *36*, only to the City of Bombay.

2. In this Act, unless there is anything repugnant in the subject or context,—

Definitions.

(*a*) "Commissioner of Police" means the Commissioner of Police for the City of Bombay and includes any person authorised by him to exercise or perform any power or duty imposed or conferred on the Commissioner of Police by this Act;

1.] (*b*) "public conveyance" means a wheeled vehicle, drawn by one or more horses or other animals or by hand, which is used for the purpose of plying for hire for the conveyance of persons or goods;

(*c*) "*licensing year*" *means the calendar year commencing on the first of January of each year*;

6.] (e) (*d*) "driver" includes a conductor, attendant or other person in charge of a public conveyance;

(d) (*e*) "licensee" means the holder of a license granted under this Act for a public conveyance or a horse or a driver of a public conveyance.

Licensing of Public Conveyances.

2.] 3. (*1*) No person shall keep or let for hire any public conveyance without a license granted by the Commissioner of Police in this behalf.

Public conveyances to be licensed.

(*2*) On every public conveyance—

(*a*) the number of the conveyance as entered in the license granted for the same, and

(*b*) where the conveyance is licensed to carry passengers, the number of passengers which it is licensed to carry,

shall be clearly inscribed in such manner as the Commissioner of Police may direct.

4. (~~1~~) ~~Licenses for public conveyances shall be granted by the Commissioner of Police.~~ [s. 8.

(~~2~~) (*1*) Such licenses shall remain in force for ~~one~~ *the licensing* year, unless sooner determined under the provisions of this Act, and shall be renewable.

Licenses for public conveyances.

(~~3~~) (*2*) Such licenses shall contain the following and such other particulars and conditions as the Commissioner of Police may prescribe: [s. 4.

(*a*) the full name and address of the licensee;

(*b*) the date on which the license was granted and the date on which it will expire by efflux of time;

(*c*) the local area for which the license is granted;

(*d*) the number and class of the conveyance;

(*e*) the number of horses or other animals (if any) by which it is to be drawn;

(*f*) the number of passengers (if any) which it may carry.

(~~4~~) (*3*) Such licenses shall not be transferred by the licensee to any other person without the sanction of the Commissioner of Police and if transferred without such sanction shall thereupon become void. Such sanction when granted shall be endorsed on the license. [s. 12.

5. (*1*) The Commissioner of Police may refuse to grant a license for a public conveyance if in his opinion— [s. 6

Grounds on which license may be refused or cancelled.

(~~a~~) the conveyance is insufficiently found or *is* otherwise unfit for the purpose for which it is intended;

~~(b) the applicant for the license is unfit to be entrusted with a license.~~

(*2*) The Commissioner of Police may refuse to renew, and may at any time suspend or cancel, a license for a public conveyance on ~~any~~ *either* of the foregoing grounds, or if in his opinion— [s. 9.

(i) the licensee has committed a breach of any provision of this Act or of a rule made under this Act or of a condition of the license, or

(ii) a conveyance licensed for carrying goods has been used for carrying passengers.

(3) When refusing to renew, or suspending or cancelling a license for a public conveyance, the Commissioner of Police may erase the inscription made thereon in accordance with this Act.

5, 8 and .] **6.** (1) When granting or renewing a license for a public conveyance, and at other times when necessary, the Commissioner of Police shall cause the particulars required by clauses (*a*) and (*b*) of sub-section (2) of section 3 to be painted or otherwise clearly inscribed upon the conveyance.

Number, etc., to be inscribed on conveyance.

7 and .] (2) No fee shall be charged for any inscription made under the foregoing sub-section when it is made at the time when the license is granted or at the annual renewal of the license, but when such inscription is made at any other time a fee at one-half of the rate chargeable for the grant of a license for a public conveyance under section 7, sub-section (1), shall be charged.

s. 7.] **7.** (1) For the grant of a license for a public conveyance a fee shall be charged at such rate as the Commissioner of Police shall prescribe.

Fees for public conveyance licenses.

11.] (2) For the renewal of such license a fee at one-half of the rate chargeable under the foregoing sub-section shall be charged.

Licensing of horses.

8. (1) No horse shall be used for drawing a public conveyance except under a license granted by the Commissioner of Police in respect of such horse.

Licensing of horses.

(2) Such licenses shall remain in force for ~~one~~ *the licensing* year unless sooner determined under this Act, and shall be renewable.

(3) Such licenses shall contain the following and such other particulars and conditions as the Commissioner of Police may prescribe:

(*a*) the full name and address of the licensee;

(*b*) the date on which the license was granted and the date on which it will expire by efflux of time;

(*c*) the local area for which the license is granted;

(*d*) a description of the horse for which the license is granted and the marks of identification of the same;

(*e*) the class of conveyance to draw which the horse may be used.

(4) Such licenses may not be transferred by the licensee to any person without the sanction of the Commissioner of Police and if transferred without such sanction shall thereupon become void. Such sanction shall be endorsed on the license.

9. When granting a license for a horse the Commissioner of Police shall brand such horse on the hoof in such manner that it may be easily identified.

Branding of horses.

10. (1) The Commissioner of Police may refuse to grant or renew, and may at any time suspend, a license for a horse if in his opinion such horse is in any way unfit for use in a public conveyance.

Grounds on which license for horse may be refused or cancelled *and examination by a veterinary practitioner.*

(2) *In case of such refusal or suspension the owner of the horse or licensee, as the case may be, may require that such horse be examined by a veterinary practitioner of the Government or of a local authority, and, if in the opinion of such practitioner the horse is fit for use in a public conveyance, the Commissioner of Police shall grant or renew the license or cancel the order of suspension.*

Licensing of Drivers.

11. (1) No person shall act as driver of a public conveyance without a license granted by the Commissioner of Police in this behalf.

Drivers to be licensed.

(2) Such licenses shall remain in force for ~~one~~ *the licensing* year unless sooner determined under this Act, and shall be renewable.

(3) Such licenses shall contain the following and such other particulars and conditions as the Commissioner of Police may prescribe:

(*a*) the full name and address of the licensee;

(*b*) the date on which the license was granted and the date on which it will expire by efflux of time;

(*c*) the local area for which the license is granted;

(*d*) the class of public conveyance which the licensee is licensed to drive.

~~13~~ *12.* (*1*) The Commissioner of Police may refuse to grant a license to a driver if in his opinion such driver is unfit *on account of youth, infirmity, bad character or any other reason* to pursue the occupation of driver of a public conveyance.

Grounds on which driver's license may be refused or cancelled.

(*2*) The Commissioner of Police may refuse to renew, and may at any time suspend or cancel, a driver's license on the foregoing grounds or if the holder has committed a breach of any provision of this Act or of a rule made under this Act or of a condition of the license.

~~12~~ *13* (*1*) When granting a license to a driver the Commissioner of Police shall provide him with a metal badge bearing the number of the license.

Drivers' badges.

(*2*) Every driver who has received such badge shall wear the same on a conspicuous part of his dress at all times when pursuing his occupation as driver.

(*3*) No driver who has received such badge shall permit any other person to wear the same: provided that any person, other than the driver to whom a badge has been given by the Commissioner of Police, who shall wear such badge shall be presumed, until the contrary is proved, to wear it with such driver's permission.

14. (*1*) *For the grant of a license to a driver a fee shall be charged at such rate as the Commissioner of Police shall prescribe.*

Fees for drivers' licenses.

(*2*) *For the renewal of such license a fee at one-half of the rate chargeable under the foregoing sub-section shall be charged.*

Provisions relating to licensees.

~~14~~ *15.* Every license which has been suspended or cancelled shall be returned by the licensee to the Commissioner of Police within twenty-four hours after the suspension or cancellation thereof.

Licenses when suspended or cancelled to be returned.

~~15~~ *16.* Whenever a licensee shall change his residence he shall within one week thereafter give notice thereof in writing signed by himself to the Commissioner of Police.

Change of address of licensee to be reported.

~~16~~ *17.* Every licensee of a public conveyance or horse shall produce such conveyance or horse for inspection whenever the Commissioner of Police shall require him to do so.

Public conveyance or horse to be produced for inspection when required.

Fares and stands.

~~17~~ *18.* The Commissioner of Police shall, *subject to the conditions of previous publication and the previous sanction of the Governor in Council,* fix the legal rates of fares for public conveyances.

Rates of fares.

~~18~~ *19.* The Commissioner of Police shall appoint stands or places, at which alone public conveyances may stand to ply for hire.

Stands.

~~19~~ *20.* (*1*) Every driver of a public conveyance shall have with him when pursuing his occupation as driver *the license granted to him under section 11 of this Act and* a clean and legible list, in English and such vernacular language or languages as the Commissioner of Police may direct, bearing the name in full of the licensee of the conveyance and showing the rates of fares fixed for the time being for the hire of the conveyance, with an abstract of the law relating to public conveyances.

Drivers to have *his license as driver and* list of fares.

(*2*) *Every such driver shall on demand by a police officer produce for inspection such license and list.*

(2) (*3*) Every such driver shall on demand produce such list for the information of any hirer of, or passenger travelling in, the conveyance.

~~20~~ *21.* Lists of the fares fixed for public conveyances, as for the time being in force, together with the abstract referred to in the preceding section, shall be prepared by the Commissioner of Police and sold to the public at a reasonable price.

Book of fares to be issued.

Offences and punishments.

~~21~~ *22.* Any person who shall

(*a*) keep or let for hire any public conveyance without a license granted by the Commissioner of Police in this behalf and for the time being in force, or

Keeping public conveyance without license.

(*b*) who shall keep or let for hire any public conveyance on which the

number and other particulars required by section ~~7~~ are not clearly inscribed in such manner as the Commissioner of Police directs,

shall be punishable with fine which may extend to one hundred rupees.

~~22~~ *23.* Any licensee of a public conveyance who shall without sufficient reason fail to cause such conveyance to ply for hire when required to do so by a police officer, and any driver of a public conveyance who shall without sufficient reason fail duly to pursue his occupation when required to do so by a police officer, shall be punishable with fine which may extend to fifty rupees.

Failure to cause public conveyance to ply when so required by the police.

~~23~~ *24.* Any licensee of a public conveyance who shall, when the same is used for the purpose of a public conveyance, permit any person to act as driver thereof other than a driver duly licensed under this Act, or who shall, when such conveyance is used for the purpose aforesaid, permit the same to be drawn by a horse other than a horse for which a license is in force under this Act, shall be punishable with fine which may extend to fifty rupees.

Licensee of public conveyance permitting unlicensed driver to use the same or permitting the same to be drawn by unlicensed horse.

~~24~~ *25.* Whoever, being the licensee of a public conveyance or horse, shall fail to produce such conveyance or horse for inspection when required to do so by the Commissioner of Police shall be punishable with fine which may extend to twenty rupees.

Failure to produce public conveyance or horse for inspection.

~~25~~ *26.* (*1*) Whoever shall act as driver of a public conveyance without a driver's license granted by the Commissioner of Police in this behalf and for the time being in force, or without a badge granted to him by the Commissioner of Police or, when acting as such driver, shall fail to wear such badge on a conspicuous part of his dress; and

Offences by drivers of public conveyances.

(*2*) Whoever, being the driver of a public conveyance, shall—

(*a*) permit any other person to use his license or badge;

(*b*) permit more passengers to be carried in a public conveyance than it is licensed to carry;

(*c*) conceal or permit to be concealed from public view the inscription made on a public conveyance in accordance with this Act, or prevent or attempt to prevent any person taking note of such inscription;

(*d*) permit any person to be carried, without the express consent of the hirer, in a public conveyance the whole of which has been hired by any person;

(e) fail to produce, on demand by a police officer, the license granted to him under section 11 or a list of the legal rates of fares as required by this Act;

(e) (*f*) fail to produce, on demand by a hirer of, *or passenger travelling in,* a public conveyance a list of the legal rates of fares for such conveyance as required by this Act;

(f) (*g*) refuse or neglect to give way, if he conveniently can, to any private conveyance, or obstruct or hinder the driver of any other public conveyance in taking up or setting down any person into or from such other public conveyance;

(g) (*h*) be intoxicated at any time while pursuing his occupation as driver;

(i) make use of insulting or abusive language or gesture;

(h) (*j*) refuse to obey the reasonable orders of any person hiring a public conveyance of which he is in charge;

(i) (*k*) when acting as driver, permit the inside of a public conveyance of which he is in charge to be dirty; or

(j) (*l*) when in charge of a public conveyance other than a cart used for conveyance of goods,—

(*i*) demand prepayment of his fare, or

(*ii*) refuse without reasonable cause to carry any person desiring to hire the conveyance, or

(*iii*) refuse or delay to proceed with reasonable expedition, or

(*iv*) demand for the hire of the conveyance more than the legal fare, or

(*v*) stand to ply for hire at any place other than a stand or place appointed under this Act *or loiter for the purpose of being hired in or upon any public street, road or place,*

shall be punishable with fine which may extend to ~~twenty~~ *fifty* rupees.

~~26~~ *27.* Any licensee

(*a*) who shall fail to return a license which has been suspended or cancelled to the Commissioner of Police within twenty-four hours after the suspension or cancellation thereof, or

Failure to return license or to notify address.

(*b*) who, after changing his residence, shall fail to give notice thereof in writing signed by himself to the Commissioner of Police within one week after such change has taken place, or

(*c*) who shall contravene any condition of his license,—

shall be punishable with fine which may extend to twenty rupees.

~~27~~ *28.* Any person using a public conveyance who shall wilfully or negligently injure the same shall be punishable with fine which may extend to twenty rupees, and shall also pay the owner of such conveyance such compensation as the Magistrate may direct, and such compensation shall be leviable as a fine.

Injury to public conveyance.

~~28~~ *29.* The driver of any public conveyance who shall by negligence or misconduct cause any hurt or damage shall, in addition to any punishment to which he may be liable by law, pay the complainant such reasonable compensation as the Magistrate may direct, and such compensation shall be leviable as a fine.

Compensation payable by driver causing damage.

Procedure.

~~29~~ *30.* Any police officer may arrest without warrant any person who has committed any offence under this Act, and may seize and detain any conveyance or horse in relation to which such offence has been committed.

Arrest by police.

~~30~~ *31.* (*1*) In case of any dispute between the hirer and driver of a public conveyance, either party may require the other to proceed forthwith to the nearest Magistrate's Court, where the dispute shall be determined in a summary manner by the Magistrate then sitting.

Procedure in case of dispute.

(*2*) If no Magistrate is then sitting either party may require the other to proceed to the nearest police officer of rank not below that of inspector, who shall, if necessary, arrange for the hearing of the case at the next sitting of the Court.

(*3*) On failure of either party to appear before the Magistrate in pursuance of a requisition under sub-section (*1*) or sub-section (*2*), or to attend the Court at any subsequent sitting to which the case may be adjourned, the Magistrate may decide the case *ex parte* and his decision shall be binding on both parties.

(*4*) Provided that, if the hirer is about to leave the City of Bombay, a police officer to whom reference has been made under sub-section (*2*) may, after hearing both parties, require the hirer to deposit such sum, if any, as appears to be due by him, and, if any compensation appears to be due under section ~~27~~ *28*, an additional sum of ten rupees, and the hirer shall not be required to attend the Magistrate's Court. The police officer shall report the dispute to the Magistrate and the Magistrate may award the driver such sum, if any, not being in excess of the amount deposited by the hirer, as he considers just, and if any offence appears to have been committed, shall inquire into the same according to law. In either case where any surplus remains of the deposit made by the hirer, the Magistrate shall give notice thereof to the hirer and return it to him on demand.

(*5*) *Where the Magistrate is satisfied that one party had no reasonable ground for requiring the other party to proceed to his Court or to the nearest police officer, he may direct the former party to pay to the latter such compensation not exceeding fifty rupees as he thinks fit, and such compensation shall be leviable as a fine.*

~~31~~ *32.* (*1*) When a complaint is made before a Magistrate against a driver of a public conveyance under this Act, the Magistrate may, if the driver fails to appear, summon the licensee of such conveyance to appear and produce the driver. [s. 26.]

Licensee may be required to produce driver: penalty.

(*2*) If the owner after being duly summoned fails without reasonable excuse to appear or to produce the driver he shall be punishable with fine not exceeding fifty rupees.

~~32~~ *33.* If any person who has hired a public conveyance refuses to pay the legal fare thereof, the Magistrate may order payment of such fare and also of reasonable compensation for loss of time; such fare and compensation shall be leviable as a fine. [s. 28.]

Refusal to pay fare.

Miscellaneous.

[s. 31.] ~~33~~ *34.* (*1*) All property left in any public conveyance shall be forthwith deposited by the licensee or driver of such conveyance at the nearest police station.

Disposal of property: penalty.

(*2*) The Commissioner of Police shall cause such property to be returned to such person as shall prove to his satisfaction that he is entitled to the same, on payment by such person of all expenses reasonably incurred and of such compensation to the driver of the public conveyance as the Commissioner of Police may consider just.

(*3*) Any licensee or driver failing to deposit any property as required by sub-section (*1*) shall be punishable with fine which may extend to fifty rupees.

[s. 14.] ~~34~~ *35.* (*1*) The Commissioner of Police, subject to the condition of previous publication, may make rules not inconsistent with the provisions of this Act for the regulation of public conveyances.

Rules.

(*2*) Such rules shall be published in the *Bombay Government Gazette.*

[s. 34.] ~~35~~ *36.* (*1*) The Commissioner in Sind or the Commissioner of a division may by notification in the *Bombay Government Gazette* extend this Act or any specified provisions thereof to any area within his jurisdiction from a date to be stated in such notification.

Extension of Act.

Bom. I of 1904, s. 3 (6).

(*2*) Where this Act or any portion thereof is extended to any such area, the Commissioner in Sind or the Commissioner of the division, as the case may be,—

(*a*) shall by notification appoint some person to perform the functions assigned by this Act to the Commissioner of Police; and

(*b*) may by notification direct that any particular Magistrates or classes of Magistrates shall exercise jurisdiction under this Act, and

(*c*) may by notification direct—

(*i*) that any class of vehicles shall be exempt from all or any of the provisions of this Act, or

(*ii*) that all or any of the provisions of this Act, except those which relate to plying for hire, shall apply to vehicles or to any class of vehicles which are kept, or ordinarily let, for hire, but which are not used for the purpose of plying for hire.

(*3*) A notification under this section extending this Act or any portion thereof to any area shall be published at least thirty days before the date fixed for its coming into effect.

(*4*) When this Act or any portion thereof is extended to any area, the powers of fixing ~~fares and~~ fees and of appointing stands and of making rules shall be exercised subject to the approval of the Commissioner in Sind or the Commissioner of the division, as the case may be.

(*5*) *When this Act or any portion thereof has been extended to any area, the Commissioner in Sind or the Commissioner of the division, as the case may be, shall pay to the local authority administering this Act in such area or, if there be more than one such local authority, to the local authorities of such area in such proportion as he shall think fit, the balance remaining after deducting from the fees charged in such area under this Act or the rules made thereunder the expenditure incurred in the administration of this Act in such area.*

~~36~~ *37.* The Governor in Council may by notification in the *Bombay Government Gazette* direct that all or any of the provisions of this Act, except those which relate to plying for hire, shall apply to vehicle or to any class of vehicles which are kept, or ordinarily let, for hire, but which are not used for the purpose of plying for hire.

Application in city of Bombay of certain provisions to vehicles not used for plying for hire

~~37~~ *38.* All powers conferred by this Act may be exercised from time to time as occasion requires.

Powers may be exercised from time to time.

~~38~~ *39.* The enactments specified in the Schedule are hereby repealed to the extent stated in the fourth column thereof.

Repeal of certain enactments.

THE SCHEDULE.

(*See section* ~~38~~ *39.*)

1	2	3	4
Year.	No.	Short title.	Extent of repeal.
		Act of the Governor General in Council.	
1895	XVI	The Amending Act, 1895.	The entry in the second Schedule relating to Bombay Act No. VI of 1863.
		Acts of the Governor of Bombay in Council.	
1863	VI	An Act for the regulation of public conveyances in the town, suburbs and harbour of Bombay.	So much as has not been repealed
1887	V	An Act to amend Bombay Act No. VI of 1863.	The whole.
1915	III	The Bombay Decentralization Act, 1915.	The entry in Schedule I relating to Bombay Act No. VI of 1863.

By order of His Excellency the Honourable the Governor,

G. DAVIS,
Secretary to the Legislative Council
of the Governor of Bombay.

Bombay, 19th February 1920.

Proceedings of the Council of the Governor of Bombay.

The following report of the Select Committee of the Council of his Excellency the Governor of Bombay on the Bill further to amend the City of Bombay Police Act, 1902, and the Bill as amended by the Select Committee, are, in accordance with rule 25 of the Rules for the conduct of business at meetings of the Legislative Council, published for general information :—

BILL No. X OF 1919.

(A Bill further to amend the City of Bombay Police Act, 1902).

REPORT OF THE SELECT COMMITTEE.

We, the undersigned members of the select committee appointed to consider Bill No. X of 1919 (a Bill further to amend the City of Bombay Police Act, 1902), have the honour to report as follows :—

1. We are of opinion that no direction should be issued under the second alternative in new sub-section (*1*) of section 28 without the previous sanction of the Governor in Council and that notice should be given as under the first alternative. We have amended clause 3 of the bill accordingly. We are by a majority of opinion that the punishment of whipping provided in new section 126A should be omitted as brutalising in its effects. We are further of opinion that sub-section (*2*) of new section 126A should cover detention by a threat to take legal proceedings for the recovery of money lent and have inserted the necessary provisions in the said sub-section.

2. As the intention of clause 7 is to prevent smoking and spitting in public buildings, we propose to insert a new section limited to that purpose.

3. The other amendments proposed are merely verbal.

(Signed) G. CARMICHAEL.
(„) PHIROZE C. SETHNA.
(„) PURSHOTAMDAS THAKURDAS.
(„) C. FERNANDES.
(„) C. V. MEHTA.
(„) LALUBHAI SAMALDAS.
(„) T. J. STRANGMAN.
(„) SHERIFF D. CANJI.

Bombay, 17th February 1920.

Bill No. X of 1919.

A Bill further to amend the City of Bombay Police Act, 1902.

(As amended by the Select Committee.)

WHEREAS it is expedient further to amend the City of Bombay Police Act, 1902, in manner hereinafter appearing; and whereas the previous sanction of the Governor-General required by section 79, sub-section (*3*), of the Government of India Act, 1915, has been obtained for the passing of this Act; It is hereby enacted as follows :—

Bom. IV of 1902.

5 & 6 Geo. 5, c. 61.

1. This Act may be called the City of Bombay Police (Amendment) Act, 1920.

Short title.

2. In section 1, sub-section (*2*), of the City of Bombay Police Act, 1902, hereinafter called the said Act,

Amendment of section 1.

Bom. IV of 1902.

(*a*) after the figures "27" the figures "28" shall be inserted; and

(*b*) for the word and figures "and 102" the words and figures "102, 110A and sub-section (*3*) of section 126A" shall be substituted.

3. (*1*) Section 28 of the said Act shall be renumbered sub-section (*1*) of section 28.

Amendment of section 28.

(*2*) After the word "place", where it occurs for the first time in the said sub-section, the words "in the City of Bombay" shall be inserted, and the following words shall be added to the said sub-section :—

"or ~~to direct~~ *directing* such person or woman *after a date to be mentioned and fixed as aforesaid* to remove himself or herself to such place, *whether within or without the City of Bombay*, ~~or places~~ by such route or routes and within such time as the Commissioner of Police shall prescribe."

(*3*) The following sub-sections shall be added to section 28 of the said Act :—

"(*2*) If any person *or woman* so directed under sub-section (*1*) fails or refuses to remove himself *or herself as directed* ~~outside the City of Bombay~~ within the time specified, the Commissioner of Police may cause such person *or woman* to be arrested and removed in police custody *to the place prescribed.* ~~as he may direct.~~

(*3*) *No direction under the second alternative in sub-section (1) shall be made without the previous sanction of the Governor in Council.*"

4. In section 33, clause (*j*), of the said Act, after the figures and letter "111A" the words, figures and letter "or section 126A" shall be inserted.

Amendment of section 33.

5. In section 69 of the said Act,

Amendment of section 69.

(*1*) after the word "confined" the words "or detained" shall be inserted; and

(*2*) after the word "confinement" the words "or detention" shall be inserted.

6. After section 110 of the said Act, the following section shall be inserted, namely :—

New section 110A.

"110A. (*1*) Whenever it is proved to the satisfaction of the Court of a Presidency Magistrate that a bond taken under this Act has been forfeited, the Court shall record the grounds of such proof, and may call upon any person bound by such bond to pay the penalty thereof, or to show cause why it should not be paid.

Procedure on forfeiture of bond.

(*2*) If sufficient cause is not shown and the penalty is not paid, the Court may proceed to recover the same by issuing a warrant for the attachment and sale of the moveable property belonging to such person or his estate if he be dead.

(*3*) Such warrant may be executed within the ~~local limits of the jurisdiction of the Court which issued it~~ *City of Bombay*; and it shall authorize the distress and sale of any moveable property belonging to such person without ~~such limits~~ *the City of Bombay*, when endorsed by the District Magistrate or Chief

Presidency Magistrate within the local limits of whose jurisdiction such property is found.

(4) If such penalty is not paid and cannot be recovered by such attachment and sale, the person so bound shall be liable, by order of the Court which issued the warrant, to imprisonment in the civil jail for a term which may extend to six months.

(5) The Court may, at its discretion, remit any portion of the penalty mentioned and enforce payment in part only.

(6) Where a surety to a bond dies before the bond is forfeited, his estate shall be discharged from all liability in respect of the bond, but the party who gave the bond may be required to find a new surety.

~~7. For section 123 of the said act, the following section shall be substituted, namely:—~~

Amendment of section 123.

~~"123. Whoever in any court, police station or office or in any building belonging to Government or appropriated to public purposes~~

Disorderly conduct and disregard of orders in office or public building.

~~(a) behaves in a violent, disorderly or indecent manner, or~~

~~(b) smokes or spits in contravention of any notice affixed to such court, police station, office or building, shall be punished with fine which may extend to fifty rupees.~~

7. After section 123 of the said Act, the following section shall be inserted, namely:—

New section 123A.

"123A. Whoever in any Court, Police station, Police office, building occupied by Government or building occupied by any public body smokes or spits in contravention of a notice previously approved by the Governor in Council and affixed to such Court, station, office or building, shall be punished with fine which may extend to fifty rupees."

Disregard of notice in public building.

8. After section 126 of the said Act, the following section shall be inserted, namely:—

New section 126A.

"126A. (1) Whoever detains any woman or girl against her will

Unlawful detention for purpose of prostitution: presumption to be drawn: bar of legal proceedings in certain cases.

Cf. 48 Vict., c. s. 8.

(a) in any house, room or place in which the business of a common prostitute is carried on, or

(b) in or upon any premises with intent that she may have sexual intercourse with any man, *other than her husband*, whether any particular man or generally,

shall be punished with imprisonment which may extend to two years, or with fine which may extend to one thousand rupees, or ~~with whipping or with any two of those punishments~~ *with both.*

(2) Where a woman or girl is in any house, room or place in which the business of a common prostitute is carried on or is in or upon any premises for the purpose of having any sexual intercourse, a person shall be deemed to detain such woman or girl in such house, room, place or in or upon such premises if, with intent to compel or induce her to remain there, such person withholds from her any wearing apparel or other property belonging to her, or, where wearing apparel *or money* has been lent or otherwise supplied to such woman or girl by or by the direction of such person, if such person threatens such woman or girl with legal proceedings if she takes away with her the wearing apparel so lent or supplied, *or for the recovery of such money.*

(3) No civil suit shall lie, and no proceedings whether civil or criminal shall be taken, against any such woman or girl or against any person on her behalf, by or on behalf of any person occupying or managing or acting or assisting in the management of any such house,

room, place or premises, for the recovery of any wearing apparel, personal ornaments or other property alleged to have been lent or supplied to or for such woman or girl or to have been pledged by or for her or for the recovery of any money alleged to be payable by or on behalf of such woman or girl."

Amendment of section 128.

9. In section 128 of the said Act, after the figures "27", the words and figures "or section 28" shall be inserted.

Amendment of section 130.

10. In section 130 of the said Act, after the figures "122", the figures and letter "126A" shall be inserted.

By order of His Excellency the Honourable the Governor,

G. DAVIS,

Secretary to the Legislative Council of the Governor of Bombay.

Bombay, 19th February 1920.

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PART V.

Proceedings of the Council of the Governor of Bombay.

The following report of the Select Committee of the Council of His Excellency the Governor of Bombay on the Bill to provide for the constitution of village panchayats, and the Bill as amended by the Select Committee, are, in accordance with rule 25 of the Rules for the conduct of business at meetings of the Legislative Council, published for general information :—

Bill No. XI of 1919.

(*A Bill to provide for the constitution of village panchayats.*)

REPORT OF THE SELECT COMMITTEE.

We, the undersigned, members * of the Select Committee appointed to consider Bill No. XI of 1919 (a Bill to provide for the constitution of village panchayats), have the honour to report as follows :—

Clause 3.—We have entirely redrafted this clause and we have provided that the Commissioner shall only act on the application of the Collector or of the district local board after either of these two authorities has given notice to the other of its application.

Clause 5.—We have redrafted this clause. We are by a majority of the opinion that the village patel should be an *ex-officio* member of the panchayat as giving administrative experience to a body that may otherwise possess none, but we have provided that the revenue patel where possible shall be the *ex-officio* member. In certain villages such as Khoti villages there is no patel. We have by the words " if any " provided for this contingency aud we have preferred in such cases to keep the panchayat wholly elective in character rather than introduce as an *ex-officio* member the managing Khot. We are also by a majority of the opinion that neither talukdars, jagirdars nor inamdars should be *ex-officio* members of the panchayats in their own villages either in addition to,

* Signatures of the Honourable Mr. D. V. Belvi, the Honourable Rao Bahadur S. D. Garud and the Honourable Shaikh Ghulam Hussein Hidayatallah will be published when received.

or in substitution for, the patel. We have provided for the decision of possible disputes as to who is the senior patel by making the president of the district local board the arbiter.

Clause 6.—We have considerably mitigated the severity of the conditions of disqualification in certain cases by the deletion of sub-clause (*d*) and by substituting in new sub-clauses (*d*) and (*e*) for a permanent disqualification, a disqualification for a period of five years, and we have enabled the district local board to remove a disqualification imposed under sub-clause (*h*).

We have by a new sub-clause (*g*) disqualified an undischarged bankrupt.

Clause 8.—Where the validity of an election is in dispute, we have made provision for due enquiry by the Collector.

Clause 10.—We have extended the period of office of members from two years to three and we have transferred sub-clause (*2*) to new clause 17.

Clause 11.—We have subjected all appointments of secretaries to the approval of the district local board, so as to eliminate, as far as possible, unfair influence in the village.

Clause 12.—We have transferred sub-clause (*3*) to new clause 17.

Clause 15.—We have arranged that the district local board should hear the views of a panchayat before the removal by it of any member for unfitness.

Clause 16.—We have provided for the decision of disputes as to questions of "residence."

Clause 17.—We have in this clause more conveniently arranged sub-clause (*2*) of clause 10 and sub-clause (*3*) of clause 12 and by a new sub-clause (*3*) applied to the disqualification of a sar-panch the disqualifications of a member.

Clauses 18 and 21.—We have guarded against any presumption that the panchayat is responsible for tanks and wells used for irrigation, and we have made it clear that the panchayat is responsible only for the maintenance of buildings which vest in them, and we have by a new clause 21 empowered the Governor in Council and the district local board to transfer property to the panchayat for this purpose, and we have made it clear that works constructed by the panchayat vest in the panchayat.

Clause 23.—In the case of dismissal of a servant we have provided for an appeal from the order of the sar-panch to the panchayat.

Clause 25 (e).—As it might be held that mahars and other village servants are not "private" persons within the meaning of this section, we have by the deletion of the word "private" safeguarded their rights.

Clause 27.—We have by a new sub-clause (*2*) provided for the imposition of an octroi in addition to other taxes.

Clause 36.—We have given the panchayats an opportunity of making representations against any proposed order of supersession by providing for a reference to the district local board before such order is made, and we have guarded against the invalidity of acts done by the panchayat between the making of the order and its communication to the panchayat by making such orders operative from the date of communication.

Clause 39.—We think it undesirable that pleaders and other legal practitioners should be allowed to appear before the village panchayats in the small affairs with which they will be called upon to deal, and we have made provision for their exclusion.

Clause 41.—In case the panchayat should experience difficulty in the absence of the necessary machinery in recovering fines, we have empowered the panchayat in case of need to invoke the assistance of a magistrate.

Clause 44.—We have in the last clause of the bill made provision for the disposal of the property of the panchayat on its ceasing to exist.

(Signed) IBRAHIM RAHIMTOOLA.

(„) T. J. STRANGMAN.

(„) C. N. SEDDON.

(„) HARILAL DESAIBHAI DESAI
(*subject to a minute of dissent*).

(„) K. R. GODBOLE
(*subject to a minute of dissent*).

(„) G. K. SATHE
(*subject to a minute of dissent*).

(„) P. A. DESAI
(*subject to a minute of dissent*).*

(„) DULABAWA RAISINGJI
(*subject to a minute of dissent*).*

Bombay, 19th February 1920.

* Will be published when received.

(Minute of dissent by the Honourable Rao Saheb Harilal Desaibhai Desai, LL.B.)

I am not convinced of the necessity of allowing the patel of a village to be an *ex-officio* member of a village panchayat. He is the last person in a village to wish the panchayat to prosper. If he is useful let him enter it through the door of election. If there is reason to fear that his chances to enter it through the vote of his neighbours are problematical, that itself is a justification to insist that he should be there through their franchise only. He would be put on his good behaviour if he has to rely upon the good will of the inhabitants of his village. To make him secure of his seat would be to provide no check on his undesirable ways. There would be either continuous friction between him and his colleagues, or the security of his seat would make the other members his slaves. His case stands on a different level from that of the talukdars, inamdars, jagirdars or khots. If at all any one deserves to be an *ex-officio* member of a panchayat it is the proprietory owner of a village or the senior among them, but not the patel.

2. I would altogether omit sub-clause (*a*) of clause 6. There should be no sex disqualification for membership of a panchayat. If the adult male residents want to elect a female member why should the legislation interpose a sex-bar to their choice? After the Legislative Council recommended the removal of the sex-bar from the Bombay City Municipal Act, it would be a retrograde step to insert it in a fresh legislation of this character. At several places there are females who hold the *Matá*. They have a voice in the election of the patel; and they often act as patels through their deputies.

3. I cannot agree to confiscate the rights of women who at present enjoy the franchise to vote at the local board and municipal elections. I would therefore allow the voting franchise to adult females holding immovable property in their own right as well as to women who are literate in the sense of having passed the vernacular fourth standard.

4. As regards the duties and functions of the panchayat I would have preferred to make a provision empowering the Governor in Council to invest, at his discretion, judicial powers in petty civil and criminal cases; but as it is likely to delay the Bill, I would be satisfied if sub-clause (*d*) of clause 18 were amended by deleting the word "administrative" which stands before "duties" and by adding the words "and functions" after "duties". There is no need to place a positive limitation on the powers of His Excellency the Governor in Council to invest a panchayat with such powers.

5. Clause 23 had better be amended so as to enable the Governor in Council to place to the credit of the village fund "the proceeds of such incomes as may be assigned to it by any general or special order of the Governor in Council". Those who are aware of actual facts know that Government do not realise as much revenue under the head of miscellaneous receipts in villagers such as assessed Government waste, trees, sand, kankar, etc., as the villages themselves would do, if they had to manage and appropriate them for the village fund. If these were assigned to the village panchayats they would be a fat source of income to that body. Such an enabling provision would cause no harm; but if advantage were taken of it by Government at their discretion, the resources of the panchayats would be considerably improved. The statutory house tax may then be regulated according to local conditions so as not to press hard.

6. Lastly, I would like the operation of the bludgeon clause of supersession to follow, if need be, a dissolution and re-election of a defaulting panchayat.

HARILAL DESAIBHAI DESAI.

17th February 1920.

(Minute of dissent by the Honourable Dewan Bahadur K. R. Godbole.)

I consider that the Bill as amended by the Select Committee is defective in so far as it makes no provision for investing panchayats with judicial functions (for dealing with petty civil and criminal cases) as provided for in the Central Provinces Bill. This is a serious defect, but as the inclusion of judicial functions at this stage will throw back the Bill for over 12 months, I have agreed to sign the report on the understanding that a supplementary Bill authorising the Local Government to invest select panchayats in this Presidency with judicial functions will be coming before the Council in the near future.

(Signed) K. R. GODBOLE.

Poona, 18th February 1920.

(Minute of dissent by the Honourable Rao Bahadur G. K. Sathe, C.I.E.)

I do not intend to refer here to many points of details which we discussed in the Select Committee. The three main questions were (1) the presence of the officiating patil as an *ex-officio* member of the panchayat, (2) adult woman suffrage and (3) conferment of judicial powers in petty civil and criminal cases. The decision of the majority on the first two questions is mentioned in the main report. The third point was fully debated in the Select Committee, but was not eventually put to vote as the chairman declared that the consideration of that subject was beyond the terms of the resolution by which the Bill was referred to the Select Committee. It was further stated that in case the question was pressed and carried by majority the Bill will have to be resubmitted to the Governor General under section 79 of the Government of India Act. This being so, members of the Select Committee could not formulate any definite proposals in this connection.

I am of opinion that the Bill should contain a separate chapter dealing with judicial functions. It is recognized that it may not be possible to invest every panchayat with such powers. The legislation may, therefore, be permissive and Government should have a free hand in selecting panchayats for the investiture of these powers. That such a provision will make panchayats living organizations, that it will bring justice at least in petty cases nearer to the homes of the people, that it will be less expensive to the litigants and that it will be a good training ground for the people, are amongst others principal points in favour of the view I take in this matter.

Some years ago the Government of Bombay also favoured this view. They had put forward a Bill on these lines. Moreover, the Government of India have in their resolutions of 1915 and 1918 (on Local Self-Government) expressed a favourable view on this subject. That the Governor General should under section 79 of the Government of India Act, sanction the introduction of bills authorizing panchayats to try petty civil and criminal cases in the Province of Bengal and in Central Provinces goes a long way in support of the view I have expressed above.

G. K. SATHE,
Additional Member of the
Legislative Council.

Bill No. XI of 1919.

A Bill to provide for the constitution of village panchayats.

(As amended by the Select Committee.)

WHEREAS it is expedient to give the inhabitants of certain small areas the opportunity of providing for the requirements of such areas in respect of water supply, sanitation and other works of public utility, with the object that they may be encouraged to take an interest in local self-government; and whereas the previous sanction of the Governor-General required by section 79, sub-section (2), of the Government of India Act, 1915, has been obtained for the passing of this Act; It is hereby enacted as follows:—

5 & 6 Geo. 5, C. 61.

1. (*1*) This Act may be called the Bombay Village Panchayats Act, 1920.

Short title.

(*2*) It extends to the whole of the Bombay Presidency.

Extent.

2. In this Act, unless there is anything repugnant in the subject or context—

Definitions.

(*a*) the word "village" means any local area duly declared to be a village for the purposes of this Act;

(*b*) the word "prescribed" means prescribed by rules under this Act;

(*c*) the word "sar-panch" means the chairman of the panchayat elected in accordance with the provisions of section 12.

3. ~~(1) On application being made either by the district local board or by the Collector, the Commissioner may, by notification in the Bombay Government Gazette, declare any local area to be a village for the purposes of this Act.~~

Declaration of area.

~~(2) On a similar application the Commissioner may from time to time by a declaration made as aforesaid include or exclude any area in or from a village or may cancel any declaration:~~

~~Provided that no declaration shall be made under either of the above sub-sections until the district local board or the Collector, as the case may be, shall have had an opportunity of opposing any application made thereunder.~~

On application in writing being made either by the district local board after previous notice to the Collector or by the Collector after previous notice to the district local board the Commissioner may, by notification in the Bombay Government Gazette—

Declaration of area.

(a) declare any local area to be a village for the purposes of this Act;

(b) declare that any area should be included in or excluded from a village; or

(c) cancel any such declaration.

4. In every village a panchayat shall be established consisting of such number of persons not less than five as shall be determined by the district local board.

Establishment of panchayat.

Cf. Ben. II of 1865, s. 38. Mad. V of 1884, s. 11

5. ~~The panchayat shall be wholly elected with the exception of the officiating patel, who shall be ex-officio a member. If there be more than one officiating patel, the senior officiating patel shall be a member.~~

Election of panchayat.

The officiating patel, if any, or, if there be more than one, the officiating revenue patel, or if there be more than one officiating revenue patel, the senior shall be ex-officio a member of the panchayat.

Members of panchayat.

The president of the district local board shall in case of doubt or dispute decide who is the senior officiating revenue patel and his decision shall be final.

Save as aforesaid each member of the panchayat shall be elected.

6. No person may *become or continue to be a an elected* member of a panchayat who—

Disqualifications.

Cf. Bom. I of 1884, ss. 10 11. Bom. III of 1901, s. 15

(*a*) is a female, or

(*b*) is under twenty-one years of age, or

(*c*) does not ordinarily reside in the village, or

~~(d) has been dismissed from Government service, or~~

(e) (*d*) has been sentenced by a Criminal Court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months, or to transportation, or has been ordered to find security for good behaviour under the Code of Criminal Procedure, 1898, such sentence or order not having subsequently been reversed or remitted or the offender pardoned, and whose disqualification has not been removed by an order which the Governor in Council is hereby empowered to make, or

V of 1898.

(f) (*e*) has been permanently debarred from practising as a legal practitioner by order of any competent authority, or

(g) (*f*) has been adjudged by a competent Civil Court to be ~~of unsound mind~~, *a lunatic*, the adjudgment being still in force, or

(g) has been adjudicated an insolvent by a competent Court and has not obtained his discharge, or

(*h*) has been removed from office under section 15 *and whose disqualification has not been removed by an order which the district . local board is hereby empowered to make.*

A disqualification under clause (d) shall cease on the expiration of five years from the order of whipping or the termination of the period of imprisonment, transportation or security, as the case may be, and a disqualification under clause (e) shall cease on the expiration of five years from the date of the order.

7. Subject to the foregoing provisions and to such rules as may be made by the Governor in Council, elections shall be made in each village by the adult male residents therein at a meeting presided over by the Assistant or Deputy Collector or other officer or person appointed in this behalf by the Collector and the result shall be reported by him to the Collector and the district local board.

Elections.

8. If *the Collector after enquiry is satisfied that* any member ~~is~~ *has been* elected in contravention of the provisions of section 6 or ~~if~~ *that* any corrupt or irregular practice has been committed in connection with the election of any member which in the opinion of the Collector should ~~be held to~~ invalidate such election, the Collector shall declare the election of such member to be invalid and such declaration shall be final.

Validity of elections.

9. If the Collector shall declare the election of any member invalid, ~~or a member shall incur disqualification for any of the reasons mentioned in clauses (e) to (g) of section 6 or shall be removed from office under section 15~~, a new election for the ~~place thus left~~ vacant *seat* shall be held in accordance with the foregoing provisions.

New election if ~~vacancy~~ *election* *invalid.*

10. (1) Members elected at a periodical election under this Act shall ordinarily hold office for a term of ~~two~~ *three* years and shall be eligible for re-election.

Cf. Be... of 19... 42.

Term of office.

11. Every panchayat shall appoint a secretary. ~~If the village accountant be appointed secretary~~. Such appointment shall be subject to the approval of the district local board.

Secretary.

12. (*1*) The members of the panchayat shall elect one of themselves as sar-panch.

Cf. Be... of 19... 41-A... Mad. 1884 ... 23.

Sar-panch.

(*2*) The sar-panch shall ordinarily hold office for one year, but shall be eligible for re-election.

13. The procedure at a meeting of a panchayat shall be in accordance with rules made by the Governor in Council in this behalf.

Procedure at meetings.

14. The resolutions of the panchayat shall be carried out by the sar-panch, in whom the entire executive power of the panchayat shall be vested, and who shall be directly responsible for the due fulfilment of the duties imposed upon the panchayat by or under this Act.

Cf. M... 188...

Executive of panchayat.

15. The district local board may *after hearing the views of the panchayat* remove any elected member or any sar-panch of a panchayat who is in its

Cf. M... 188... U. P... 191...

Removal of member, sar-panch, or secretary.

opinion unfit to be a member or sar-panch, as the case may be, or is persistently remiss in the discharge of his duties as such; and a sar-panch so removed may, *unless he be an ex-officio member of the panchayat,* ~~in addition~~, at the discretion of the said board, *also* be removed from the panchayat. The district local board may also remove the secretary of a panchayat for similar reasons.

Residence of member to be decided by Collector.

16. If any dispute arises as to whether a member does or does not ordinarily reside in the village such dispute shall be decided by the Collector after enquiry and his decision shall be final.

Vacancy due to disqualification, etc., of elected member.

f. Bom. III of 1901, s. 18.

17. (*1*) Any vacancy due to the disablement, death, resignation, disqualification or removal of ~~a~~ *an elected* member shall be filled up as soon as convenient by the election *held in accordance with the foregoing provisions* of a person who shall hold office so long only as the member in whose place he is elected would have held it if the vacancy had not occurred.

f. Bom. III of 1901, s. 18.

(*2*) Any vacancy due to the disablement, death, resignation, disqualification or removal of a sar-panch shall be filled up as soon as convenient by the election of a member who shall hold office as sar-panch so long only as the sar-panch in whose place he is elected would have held it if the vacancy had not occurred.

(*3*) *A sar-panch shall become disqualified if as a member of the panchayat he becomes disqualified.*

f. Mad. V of 1884, s. 141.

Duties of panchayat.

~~16.~~ *18.* (*1*) It shall be the duty of the panchayat within the limits of the fund at its disposal to make reasonable provision for carrying out the requirements of the village in respect of as many of the following matters as the district local board shall direct, viz.:—

(*a*) the supply of water for domestic use;

(*b*) the cleansing of the public roads, drains, tanks ~~wells~~ *and wells* (*other than tanks and wells used exclusively for irrigation*) and other public places or works in the village;

(*c*) the construction, maintenance and repair of minor roads, drains and bridges: provided that such works shall not be undertaken without the permission of the person or authority in whom or in which the road, drain or bridge vests;

(*d*) sanitation, conservancy and the prevention and abatement of nuisances;

(*e*) the preservation and improvement of the public health;

(*f*) the maintenance and the regulation of the use of public buildings *vesting in the panchayat,* grazing lands, tanks and wells (*other than tanks and wells used exclusively for irrigation*); and

(*g*) the lighting of the village.

(*2*) The panchayat may also make provision for carrying out the requirements of the village in respect of any other matters approved by the district local board.

Cf. Mad. V of 1884, s. 142.

Additional duties.

~~17.~~ *19.* The district local board may at any time, with the consent of the panchayat, transfer to such panchayat the management of any institution or the execution of any work not provided for in ~~the above~~ section *18*, and it shall thereupon be lawful for such panchayat to undertake the management of such institution or the execution of such work: provided that in every such case the funds necessary for such management or execution shall be placed at the disposal of the panchayat by the district local board.

Other duties.

~~18.~~ *20.* (*1*) The panchayat shall, subject to rules made by the district local board under this Act—

(*a*) supervise the village school;

(*b*) supervise the labour employed by local boards on works within the village;

(*c*) manage and maintain cattle pounds;

(*d*) perform such other administrative duties as may from time to time be assigned to it by the Governor in Council by notification in the *Bombay Government Gazette.*

(*2*) Rules made by the district local board under this section shall be made

within six months from the passing of this Act. If not made within that period, it shall be open to the Governor in Council to make rules in this behalf.

Cf. Bom. I of 1884, ss. 41 and 42.

Property of panchayat.

21. (1) It shall be competent to the Governor in Council or the district local board from time to time to direct that any property vesting in Government or the district local board, respectively, shall vest in a panchayat.

(2) Every work constructed by a panchayat shall vest in such panchayat.

Cf. Mad. V of 1884, s. 134.

~~19.~~ *22.* The panchayat shall, *subject to the provisions of section 32,* determine and submit to the district local board a schedule of the number and salaries of its servants required for carrying out the duties imposed upon the panchayat by or under this Act.

Schedule of servants.

Cf. Mad. V of 1884, s. 134.

~~20.~~ *23.* (*1*) The sar-panch shall appoint these servants *of the panchayat* and pay ~~them~~ their salaries from the funds at his disposal. He may also in cases of emergency engage such temporary servants as *he* may ~~be~~ *deem* necessary. The sar-panch may from time to time *by order* fine, suspend or dismiss any servant appointed by him.

Appointment of servants.

(*2*) No appeal shall lie against any order passed under this section *other than an appeal to the panchayat against an order of dismissal.*

Cf. Mad. V of 1884, s. 150.

~~21.~~ *24.* (*1*) The panchayat shall determine annually and shall submit to the district local board on or before such date and in such form as may be prescribed by the district local board a statement of—

Budget.

(*a*) the opening balance and estimated income of the village fund for the following year;

(*b*) the expenditure proposed on establishment and the discharge of the duties specified in sub-section (*1*) of section ~~16~~ *18*;

(*c*) the expenditure proposed under sub-section (*2*) of section ~~16~~ *18.*

(*2*) The district local board shall within two months from the date of the receipt of ~~this~~ *such* statement either approve *the same* ~~it as it stands~~ or direct that the *proposed* expenditure on any of the duties specified in section ~~16~~ *18* shall be increased or decreased: provided that the district local board shall not have power to direct that ~~such~~ *the total proposed* expenditure shall exceed the estimated income of the village fund for the following year.

~~22.~~ *25.* For each village there shall be at the disposal of the panchayat a village fund and there shall be placed to the credit thereof—

Cf. M. 1884, U. P. 1914

Village fund.

(*a*) any amount which may be allotted to the village fund by the Governor in Council under the provisions of section 191 of the Bombay District Municipal Act, 1901;

Bom. 1901

(*b*) the proceeds of any tax imposed under section ~~23~~ *26* or section ~~24~~ *27*;

(*c*) all fines realized in prosecutions for breaches ~~within the limits of such village~~ of the by-laws made under this Act;

(*d*) all *other* sums ordered by a Court to be placed to the credit of the village fund;

(*e*) the sale proceeds, except in so far as any ~~private~~ person is entitled to the whole or a portion thereof, of all dust, dirt, dung, or refuse (including the dead bodies of animals) collected by the village servants;

(*f*) sums contributed to the village fund by ~~any~~ *a* district local board;

(*g*) all sums received by way of loans *from Government or by way of* ~~or~~ gift; and

(*h*) such other sums as may be assigned to the village fund by any general or special order of the Governor in Council.

~~23.~~ *26.* In every village a house tax shall be levied in accordance with rules made by the Governor in Council.

Cf. M. of 1 57 (i U. P. 1914

House tax.

~~24.~~ *27* (*1*). Subject to the veto of the Governor in Council a panchayat may, with the approval of and

Additional taxation.

in accordance with rules made by the district local board, levy any tax upon the owners or occupiers of houses or lands within the limits of the village. Any such owner or occupier may appeal against the assessment or levy of any such tax to the district local board, whose decision shall be final.

(2) Subject to such veto a panchayat may with such approval and in accordance with such rules impose an octroi.

Any resident of the village may appeal against the imposition of such octroi to the district local board whose decision shall be final.

25. *28.* (*1*) If at any time in the opinion of the district local board the regular income of the panchayat falls below what is necessary for the proper discharge of the duties specified in section ~~16~~ *18*, the district local board may call upon the panchayat to take steps within six months to increase its income to such a figure as it considers necessary. If the panchayat fails to take adequate steps to increase its income to the required amount, the district local board may require it to increase the house tax:

Increase of income.

Provided that in no circumstances shall the district local board have power to require the house tax to be increased beyond the maximum rate prescribed by the Governor in Council.

(*2*) Any panchayat may appeal to the Commissioner against the enhancement of its income and no action shall be taken by the district local board to effect such enhancement until the appeal has been decided.

Cf. Bom. III of 1901, ss. 82 and 83. U. P. II of 1914, ss. 20, 21.

26. *29.* (*1*) On any person failing to pay any tax or instalment thereof or any due on or before the specified date of payment, the panchayat shall cause a writ of demand to be served on the defaulter and, if payment is not made within 15 days from such service, may levy such sum by distraint and sale of his movable property.

Recovery of taxes.

(*2*) If the panchayat either fails to recover the taxes or fines due to it or neglects to take action under the provisions of the preceding sub-section or of sub-section (*4*) of section ~~38~~ *41*, the district local board may request the Collector to recover the same as an arrear of land revenue, and the Collector may, after holding such enquiry, if any, as he thinks fit, proceed to do so.

27. *30.* Notwithstanding anything in the Bombay Local Boards Act, 1884, the district or taluka local board may assign a portion of the local fund to a panchayat for expenditure in connection with the provisions of this Act.

Bombay Local Boards Act.

Bom. I of 1884.

28. *31.* (*1*) The district local board shall have power—

Cf. Bom. I of 1884, s. 62.

Power of inspection.

(*a*) to enter on and inspect, or cause to be entered on and inspected, any immovable property occupied by any panchayat, or any work in progress under it or under its direction;

(*b*) to call for any extract from the proceedings of a panchayat, any book or document in the possession of or under the control of a panchayat, and any return, statement, account or report which it may think fit to require such panchayat to furnish;

(*c*) to require a panchayat to take into consideration any objection which appears to the district local board to exist to the doing of anything which is about to be done or is being done by such panchayat, or any information which the district local board is able to furnish and which appears to it to necessitate the doing of a certain thing by the panchayat, and to make a written reply to the district local board within a reasonable time stating its reasons for not desisting from doing, or for not doing, such thing.

(*2*) All or any of the powers given to the district local board under the preceding sub-section may be delegated by it to its president, vice-president, chief officer, public health officer or executive engineer.

29. *32.* If in the opinion of the district local board the number of persons maintained *or proposed to be maintained* by

Cf. Bom. I o 1884, s. 63

Extravagance in establishment.

a panchayat as officers or servants, ~~to whom a panchayat proposes to maintain~~, or the remuneration ~~assigned~~ *given or proposed to be given* by the panchayat to ~~those~~ *such* persons is excessive, the ~~said~~ panchayat shall, on the requirement of the district local board, reduce ~~the~~ *such* number or remuneration ~~of the said persons~~:

Provided that the panchayat may appeal against any such requirement to the Governor in Council, whose decision shall be final.

Cf. Bom. I of 1884, s. 64.

~~30.~~ *33.* (*1*) If in the opinion of the district local board the execution of any order or resolution of a panchayat or the doing of anything which is about to be done or is being done by or on behalf of a panchayat is causing, or is likely to cause injury or annoyance to the public, or to lead to a breach of the peace, it may, by order in writing, under the signature of its president, suspend the execution or prohibit the doing thereof.

Suspension of execution of order.

(*2*) When a district local board makes any order under the preceding sub-section, it shall forthwith forward to the Governor in Council and to the panchayat affected thereby a copy of the order with a statement of the reasons for making it, and it shall be in the discretion of the Governor in Council to rescind the order, or to direct that it continue in force, with or without modification, permanently or for such period as he *may* thinks fit.

Cf. Bom. I of 1884, s. 65.

~~31.~~ *34.* (*1*) In cases of emergency the district local board may provide for the execution of any work, or the doing of any act, which a panchayat is empowered to execute or do, and the immediate execution or doing of which is, in its opinion, necessary for the health or safety of the public, and may direct that the expense of executing the work or doing the act, ~~with a reasonable remuneration to the person appointed to execute or do it~~ shall be forthwith paid by the panchayat.

Execution of work in case of emergency.

(*2*) If the expense ~~and remuneration are~~ *is* not so paid, the district local board may direct the officer in charge of the treasury in which the village fund is kept to pay ~~the~~ *such* expense ~~and remuneration~~, or as much thereof as is possible, from the balance of such fund in his hands.

(*3*) The district local board shall forthwith report to the Governor in Council every case in which it uses the powers given to it by sub-section (*1*).

Cf.

~~32.~~ *35.* (*1*) If at any time it appears to the district local board that a panchayat has made default in the performance of any duty specified in section ~~16~~ 18, it may order that that duty be performed within a specified period and, if the duty is not performed within the period specified, it may appoint some person to perform it and direct that the expense of *performance* ~~performing it with a reasonable remuneration to the person appointed to perform it~~, shall be paid by the defaulting panchayat within such period as the district local board may fix.

Performance of duty.

(*2*) If the expense ~~and remuneration are~~ *is* not so paid, the district local board may direct the officer in charge of the treasury in which the village fund is kept to pay ~~the~~ *such* expense ~~and remuneration~~, or as much thereof as is possible, from the balance of such fund in his hands.

(*3*) The district local board shall forthwith report to the Governor in Council every case in which it uses the powers given to it by sub-section (*1*).

Cf.

~~33.~~ *36.* (*1*) If in the opinion of the Governor in Council a panchayat exceeds or abuses its powers or makes persistent default in the performance of the duties specified in section ~~16~~ *18*, the Governor in Council may, *after reference to the district local board,* by an order in the *Bombay Government Gazette,* supersede ~~that~~ *such* panchayat for a period specified in the order.

Supersession of panchayat.

(*2*) When a panchayat is so superseded,

(*a*) all members thereof shall vacate their offices as members as from the date of the *communication of the* order *to the sar-panch*;

(*b*) all powers and duties of the panchayat shall, during the period of supersession, be exercised and

performed by such person or persons as the district local board *may* from time to time appoints in that behalf; and

(*c*) on the expiry of the period of supersession the panchayat shall be reconstituted and the persons vacating their offices under clause (*a*) shall be eligible for re-election.

34. *37.* In all matters connected with this Act, the Governor in Council shall have and exercise the same authority and control over the district local boards as he has and exercises over them under the Bombay Local Boards Act, 1884.

Authority of Governor in Council.

Bom. I of 1884.

35. *38.* (*1*) The district local board may, with the previous sanction of the Governor in Council, make by-laws providing for—

Cf. Bom. III of 1901, s. 48. U. P. II of 1914, s. 26.

By-laws.

(*a*) the purification and protection from pollution of all sources of water used for drinking purposes;

(*b*) the prohibition of the removal or use for drinking purposes of any water from any stream, *tank*, well or other source where such removal or use causes, or is likely to cause, disease or injury to health and the prevention of such removal or use by the filling in or covering over of such ~~well~~ *tank* or ~~tank~~ *well* or by any other method which may be considered advisable;

(*c*) the prohibition of the deposit or storage of manure, refuse or other offensive matter in a manner or in places prejudicial to the public health, comfort or convenience;

(*d*) the regulating of offensive callings or trades;

(*e*) the disposal of corpses by burning or burial;

(*f*) the excavation of earth and the filling up of excavations and depressions injurious to health or offensive to the neighbourhood;

(*g*) the removal of noxious vegetation;

(*h*) the repair and removal of dangerous or ruinous buildings;

(*i*) the prevention of the erection of buildings without adequate provision for ventilation or the laying out and location of streets;

(*j*) the regulation of markets and slaughter-houses; and

(*k*) the general regulation of sanitation and conservancy;

and may with the like sanction provide a penalty not exceeding ten rupees for a breach of any such by-law.

(*2*) All or any of these by-laws may be applied to any village by the district local board.

(*3*) The making of such by-laws shall be subject to the condition of previous publication.

36. *39.* (*1*) Every breach of a by-law made under this Act shall, unless the District Magistrate otherwise directs, be cognizable by the panchayat.

Trial for breaches of by-laws by panchayat.

(*2*) The panchayat shall in the presence of the accused person, or if notwithstanding the service of a notice upon the said person he fails to appear, then in his absence, take evidence as to the alleged breach and any evidence produced by the said person in his defence and shall thereupon either acquit or convict the accused person and, if he is convicted, the panchayat may sentence him to such punishment authorised by this Act or by the by-laws as it thinks reasonable.

(3) No advocate, attorney, pleader, vakil or mukhtiar shall appear before a panchayat on behalf of an accused person.

(3) (*4*) A person convicted by the panchayat may, at any time within ten days after sentence is passed against him, apply for revision to the District Magistrate or to such other Magistrate, not being a member of such panchayat, as the District Magistrate may, subject to the orders of the Governor in Council, from time to time appoint in this behalf.

(4) (*5*) In revision the Magistrate may confirm, reverse or modify the decision of the panchayat and may pass any order as to punishment which it was competent to the panchayat to pass; his order shall be enforced in like manner as one made by the panchayat.

(5) (*6*) *Such* Magistrate may suspend execution of the sentence pending disposal of the application when such suspension shall appear to

him necessary or expedient, on such terms as ~~shall seem reasonable~~ *he may think fit.*

~~37.~~ *40.* Where the District Magistrate by a special or general order so directs, any breach of such by-laws shall not be cognizable by a panchayat under section ~~36~~ *39* but shall be cognizable by a third class Magistrate and punishable as provided in this Act.

Trial by Magistrate.

U. P. II of 1914, s. 1.

~~38.~~ *41.* (*1*) A breach of any by-law made under this Act shall be punishable, unless in any case a smaller punishment is provided in ~~the said~~ *such* by-laws, with fine which may extend to ten rupees and in the case of a continuing breach with fine which may extend to two rupees for every day during which the breach continues after conviction for the first breach or after receipt of notice from the panchayat to discontinue the breach.

Punishment.

(*2*) A person convicted by a Magistrate of a breach or a continuing breach may be sentenced in default of payment of the fine to simple imprisonment for a period which may extend to four days.

(*3*) A panchayat may allow a person sentenced by it to pay a fine such time not exceeding four days as it may think proper for the payment of the fine, on such terms as to security as it shall seem to the panchayat necessary to impose.

(*4*) Fines inflicted by a panchayat shall be recoverable by distraint and sale of the offender's movable property. If the amount of the fine is not fully recovered, the ~~offender may be imprisoned in the chavdi for a period not exceeding four days~~ *panchayat may apply to a Magistrate to recover the fine or such part thereof as has not been recovered and the Magistrate shall proceed to recover the same as if the fine had been imposed by himself.*

~~39.~~ *42.* (*1*) The Governor in Council may by notification in the *Bombay Government Gazette* make rules—

Rules.

(*a*) under section 7, regulating the elections of members of panchayats;

(*b*) under section 13, regulating the procedure at a meeting of a panchayat, providing for the casting vote of the sar-panch, and fixing a quorum;

(*c*) under section ~~18~~ *20*, on default by the district local board, regulating the performance by panchayats of the duties therein referred to;

(*d*) under section ~~23~~ *26*, regulating the levy of a house-tax;

(*e*) under section ~~25~~ *28*, fixing a maximum rate of house-tax.

(*2*) The district local board may, with the previous sanction of the Governor in Council, make rules to carry out the objects of this Act except in the cases provided for in sub-section (*1*); in particular and without prejudice to the generality of the foregoing provision, such rules may be made—

(*a*) under section ~~18~~ *20*, regulating the performance by panchayats of the duties therein referred to;

(*b*) under section ~~21~~ *24*, fixing a time limit for submitting and the form of the statement therein referred to;

(*c*) under section ~~24~~ *27*, regulating the levy of additional taxation.

The making of such rules shall be subject to the condition of previous publication.

~~40.~~ *43.* The Governor in Council may by notification authorise any person to exercise any of the powers vested in him or conferred on district local boards in respect of panchayats by this Act and may at any time in like manner modify or cancel such authority.

Delegation of powers.

~~41.~~ *44.* On any area ceasing to be a village the unexpended balance of the village fund *and the property vesting in the panchayat shall vest in the district local board and* shall be ~~applied~~ *utilized* for the benefit of the inhabitants of the area as the district local board *may* thinks fit:

Balance of village fund.

Provided that any property which Government may have directed to vest in the panchayat under sub-section (1) of section 21 shall re-vest in Government.

By order of His Excellency the Honourable the Governor,

G. DAVIS,

Secretary to the Legislative Council

The
Bombay Government Gazette

PUBLISHED BY AUTHORITY.

WEDNESDAY, 25TH FEBRUARY 1920.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Proceedings of the Council of the Governor of Bombay.

Bombay Castle, 24th February 1920.

No. 428-L.—With reference to the foot-notes to the Report of the Select Committee appointed to consider Bill No. XI of 1919 (a Bill to provide for the constitution of village panchayats), published in the *Bombay Government Gazette*, Part V, dated 21st February 1920, it is hereby notified that the Honourable Mr. D. V. Belvi, LL.B., and the Honourable Shaikh Ghulam Hussein Hidayatallah, LL.B., have intimated their approval of the report as published.

2. The Honourable Mr. P. A. Desai, LL.B., has recorded the following minute of dissent:—

"1. I think, in Inam, Khoti, Jahagirdari and Talukdari villages, the senior Inamdar, senior Jahagirdar, senior Talukdar and the Managing Khot should, in substitution for the Patel be *ex-officio*, a member of the Panchayat. In Khoti villages, there is no Patel and the administrative experience which a Patel possesses in non-Khoti villages is possessed by the Khot and the part which would be played by the Patel in non-Khoti villages will be played by the Managing Khot in Khoti villages. In Inam, Jahagirdari and Talukdari villages, the presence of the Inamdars, Jahagirdars and Talukdars as *ex-officio* member will add to the weight and influence of the village Panchayat. I, therefore, think that necessary changes should be made in clause 5 of the Bill in this respect.

2. In clause 6, sub-clause (*a*), which disqualifies a female from becoming or continuing to be an elected member of the Panchayat should be deleted. When we are trying to remove a similar disqualification imposed upon females by other enactments such as the District Municipal Act and the City of Bombay Municipal Act, we should not impose a similar disqualification on females from serving on the village Panchayats. If the adult males of the village, having regard to the education and position of a female residing within

the limits of the village, think that a particular female should be fit to serve on a Panchayat I think there should be no obstacle in the way of a competent female standing as a candidate in an election.

3. In clause 7, provision should be made to entitle females in whose names house-property stands in that village, to vote at the election. The chief source of income is the house-tax and it will be anomalous to tax the house-property of a female without giving her a right of representation and therefore in the case of such females, the franchise should be given to them.

4. In clause 18 an additional sub-clause should be added, imposing the duty of planting and maintaining road-side trees and trees for shade within the limits of the village on the village Panchayats, of course within the limit of the fund at its disposal. As the construction and maintenance of minor roads is a duty imposed on Panchayats, it is necessary that provision should be made for the planting road-side trees for the comfort of the villagers and travellers.

5. In clause 20 a sub-clause should be added empowering the Panchayats to supervise the inferior village servants. In villages, certain services are rendered by Mahars to ryots and it is advisable to invest the power of control of such village servants in the Panchayats as the members of the Panchayats being the residents of the village are in a position to know the duties and liabilities of such village servants and of the ryots so as to settle disputes and make the village servants to discharge their work properly.

6. In clause 26 a proviso should be added excluding the farm houses which are not the dwelling houses of the residents of a village and which are specially constructed for purposes of agriculture, from the imposition of a house-tax."

By order of His Excellency the Honourable the Governor,

G. DAVIS,
Secretary to the Legislative Council
of the Governor of Bombay.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

The

Bombay Government Gazette

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MONDAY, 8TH MARCH 1920.

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PART V.

Proceedings of the Council of the Governor of Bombay.

Bombay Castle, 6th March 1920.

No. 657-L.—With reference to the foot-notes to the Report of the Select Committee appointed to consider Bill No. XI of 1919 (a Bill to provide for the constitution of village panchayats) published in the *Bombay Government Gazette*, Part V, dated 21st February 1920, it is hereby notified that the Honourable Rao Bahadur S. D. Garud has signed the report subject to the following minute of dissent:—

"I think—

(1) that the patel should not be an *ex-officio* member of the panchayat;

(2) that there should be no sex bar for voters or members of panchayats;

(3) that panchayats should be invested with Civil and Criminal powers in petty cases;

(4) that some heads of village revenue should be assigned to the panchayats."

By order of His Excellency the Honourable the Governor,

G. DAVIS,
Secretary to the Legislative Council
of the Governor of Bombay.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

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Bombay Government Gazette

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PART V.

Proceedings of the Council of the Governor of Bombay.

The following papers which were placed on the Council Table at the meeting of the Legislative Council of the Governor of Bombay held on the 13th March 1920 are published for general information :—

LIST OF BUSINESS TO BE BROUGHT FORWARD AT A MEETING ON THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF BOMBAY TO BE HELD IN THE COUNCIL HALL, SECRETARIAT, BOMBAY, ON SATURDAY, THE 13TH MARCH 1920, AT 12 NOON.

I.—NEW MEMBERS—

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

II.—QUESTIONS AND ANSWERS—

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

III.—PRESENTATION OF THE REVISED FINANCIAL STATEMENT OF THE GOVERNMENT OF BOMBAY FOR THE YEAR 1920-21—

(Resolutions on the statement have been printed and laid on the Council Table.)

IV.—BILLS—

1. A Bill to amend the law relating to the duty payable on tobacco and to the import, transport, retail sale and warehousing thereof in the City of Bombay (Bill No. IV of 1919).—*Second Reading.* (For amendments, see head V below.)

2. A Bill further to amend the Bombay District Municipal Act, 1901 (Bill No. VI of 1919).—*Second and Third Readings.* (For amendments, see head V below.)

3. A Bill further to amend the City of Bombay Municipal Act, 1888 (Bill No. VII of 1919).—*Second Reading.*

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4. A Bill to amend the law relating to the regulation of Public Conveyances (Bill No. VIII of 1919).—*Second Reading.*

5. A Bill further to amend the City of Bombay Police Act, 1902 (Bill No. X of 1919).—*Second Reading.*

6. A Bill to provide for the constitution of village panchayats (Bill No. XI of 1919).—*Second Reading.* (For amendments see head V below.)

7. A Bill to amend the Bombay Disqualification of Aliens Act, 1918 (Bill No. I of 1920).—*First, Second and Third Readings.*

8. A Bill further to amend the Bombay Land Revenue Code, 1879 (Bill No. II of 1920).—*First, Second and Third Readings.*

9. A Bill to amend the Bombay Cotton Contracts Control (War Provisions) Act, 1919 (Bill No. III of 1920).—*First, Second and Third Readings.*

V.—AMENDMENTS TO BILLS—

Notice has been received of the following :—

1. Bill No. IV of 1919 (A Bill to amend the law relating to the duty payable on tobacco and to the import, transport, retail sale and warehousing thereof in the City of Bombay) as amended by the Select Committee.

From the Honourable Mr. S. B. Upasani.

1. *Clause 3.*—In lines 5, 6 and 7, omit the words " the rate of seven rupees and eight annas a maund " and substitute the following for them, viz., " at such rate not exceeding 10 per cent. *ad valorem* as may be fixed by the Governor in Council from time to time."

2. *Clause 3.*—In lines 12, 13 and 14, restore the words " and any rate so fixed shall be notified in the *Bombay Government Gazette.*"

3. *Clause 18 (b).*—In the last line, omit the words " arrest him " and substitute for them the following, *viz.*, " seize it and take proceedings against him."

4. *Clause 21.*—Omit.

2. Bill No. VI of 1919 (A Bill further to amend the Bombay District Municipal Act, 1901) as amended by the Select Committee.

From the Honourable Rao Saheb Harilal Desaibhai Desai, LL.B.

After *Clause 3.*—Insert the following :—

" 3A. After section 83 of the said Act the following section shall be inserted, namely :—

'83-A. (*1*) If the officer authorized to sign a warrant under sub-section (*2*) of section 83 shall at any time have reason to believe that any person from whom any sum is due on account of any Municipal tax is about forthwith to remove from the Municipal District the said officer may direct the immediate payment by such person of the sum so due or about to become due by him and cause a bill for the same to be presented to him.

(*2*) If on the presentation of such bill the said person does not forthwith pay the sum due or about to become due by him, the amount shall be leviable by distress and sale in the manner hereinbefore prescribed except that it shall not be necessary to serve upon the defaulter any notice of demand, and the said officer's warrant for distress and sale may be issued and executed without delay.' "

3. Bill No. XI of 1919 (a Bill to provide for the constitution of village panchayats) as amended by the Select Committee.

Clause 1.—

(*1*) *From the Honourable Sardar Dulabawa Raisingji, Thakor of Kerwada.*

To sub-clause 2 the following words shall be added, namely :—

" but not to any village therein in which one-half or more of the land is held on Talukdari, Inami or Khoti tenure."

(*2*) *From the Honourable Mr. G. K. Parekh, LL.B.*

At the end of sub-clause 2, *substitute* a comma for the full stop and *add* the following :—

" but it does not apply to alienated villages or to villages held on Talukdari or Khoti tenures."

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Clause 5.—

(3) *From the Honourable Rao Saheb Harilal Desaibhai Desai, LL.B.*

Substitute the following for the present clause :—

"The Panchayat shall be wholly elected."

(4) *From the Honourable Sardar Dulabawa Raisingji, Thakor of Kerwada.*

Between the first and second paragraphs the following proviso shall be inserted, namely :—

"provided that in any village in which one-half or more of the land is held on Talukdari, Inami or Khoti tenure, the senior Talukdar, senior Inamdar, or the Managing Khot, as the case may be, or a person resident in any such village and nominated for the purpose by any such Talukdar, Inamdar or Khot as his deputy shall be *ex-officio* a member of the panchayat in place of the patel."

Clause 6.—

(5) *From the Honourable Rao Saheb Harilal Desaibhai Desai, LL.B.*

Omit sub-clause (*a*) and re-letter the other sub-clauses.

(6) *From the Honourable Mr. G. K. Parekh, LL.B.*

(1) *Drop* the 5th line "(*a*) is a female or"

and *substitute* for the letters (*b*), (*c*) and (*d*) at the commencement of subsequent sub-clauses, (*a*), (*b*) and (*c*) respectively.

(2) *Drop* sub-clause (*e*) and *substitute* for the letters (*f*), (*g*) and (*h*) at the commencement of subsequent sub-clauses, letters (*d*), (*e*) and (*f*) respectively.

Clause 7.—

(7) *From the Honourable Mr. G. K. Parekh, LL.B.*

From line 6, *delete* the word "male".

(8) *From the Honourable Rao Saheb Harilal Desaibhai Desai, LL.B.*

Insert the following words after the word "residents" in the clause :—

"and by every adult female resident who either holds immovable property in her own right or has passed the vernacular fourth standard".

Clause 12(1).—

(9) *From the Honourable Mr. B. S. Kamat.*

After the words "one of themselves" *insert* the words "excepting the *ex-officio* member".

Clause 15.—

(10) *From the Honourable Rao Saheb Harilal Desaibhai Desai, LL.B.*

Omit the following words in lines 11 and 12 :—

"unless he be an *ex-officio* member of the panchayat".

Clause 18 (1) (c).—

(11) *From the Honourable Mr. B. S. Kamat.*

In the third line *omit* the words "and bridges"; also in line 7, *omit* the words "or bridge".

Make the consequential change by inserting "and" after the word "roads" in line 2.

Clause 18 (1) (f).—

(12) *From the Honourable Mr. G. K. Parekh, LL.B.*

In sub-clause (*1*) (*f*) *add* before the words "grazing lands" the word "village".

Clause 20.—

(13) *From the Honourable Rao Saheb Harilal Desaibhai Desai, LL.B.*

In sub-clause (*d*), *omit* the word "administrative" occurring before the word "duties" and *add* the words "and functions" after the word "duties".

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Clause 23.—

(14) *From the Honourable Mr. G. K. Parekh, LL.B.*

In line 10 *add* the words "a written" before the word "order".

Clause 25.—

(15) *From the Honourable Rao Saheb Harilal Desaibhai Desai, LL.B.*

(*a*) *Add* the following as sub-clause (*i*) :—

"(*i*) the proceeds of such incomes as may be assigned to the village fund by any general or special order of the Governor in Council".

(*b*) *Add* the following as sub-clause (*j*) :—

"(*j*) the incomes of any property vesting in the panchayat under clause 21".

Clause 26.—

(16) *From the Honourable Rao Saheb Harilal Desaibhai Desai, LL.B.*

Add the following words at the end of the clause :—

"unless the Governor in Council directs otherwise".

(17) *From the Honourable Mr. G. K. Parekh, LL.B.*

(1) Between the figure "26" and the word "In" *add* the figure "(*1*)",

(2) After clause 26, sub-clause (*1*), *add* the following :—

"(*2*) In alienated villages or villages held on Talukdari or Khoti tenures in which the holder of the village owns the houses, the house-tax shall be leviable from the occupiers thereof and not the owners".

Clause 27.—

(18) *From the Honourable Mr. G. K. Parekh, LL.B.*

(1) After the word "village" in the 8th line *add* the following :—

"But in alienated villages or villages held on Talukdari or Khoti tenures in which the holder of the village himself owns houses and lands of the village as landlord, the tax on houses or lands shall be leviable from the occupiers of the same."

(2) The second sub-clause be deleted.

Clause 34.—

(19) *From the Honourable Mr. G. K. Parekh, LL.B.*

At the end of sub-clause (*1*) *add* the following :—

"But the District Local Boards shall not direct the panchayats to pay any sum larger than is available to the panchayats at the time of the order either as cash or deposit in the treasury in which the funds of the panchayats are lodged or both taken together."

Clause 36 (1).—

(20) *From the Honourable Rao Saheb Harilal Desaibhai Desai, LL.B.*

Insert the following between the words "Government Gazette" and "supersede" in line 10, *viz.* :—

"in the first instance dissolve the panchayat and order a re-election thereof, and if the panchayat so re-elected is found equally remiss or refractory may".

Clause 36 (2).—

(21) *From the Honourable Rao Saheb Harilal Desaibhai Desai, LL.B.*

(*a*) *Insert* the words "dissolved or" before the word "superseded" in sub-clause *2* of the clause.

(*b*) *Insert* the words "dissolution or" before the word "supersession" in line 21 of sub-clause *2* (*b*) of the clause.

Clause 40.—

(22) *From the Honourable Mr. G. K. Parekh, LL.B.*

In line 7 *substitute* for the words "a third class" the word "any".

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VI.—DISCUSSION OF MATTERS OF GENERAL PUBLIC INTEREST—

Resolution by the Honourable Mr. D. V. Belvi, LL.B.

1. "This Council recommends to His Excellency the Governor in Council to be pleased to direct that the Educational Department should examine annually each class in Government Secondary Educational schools in all the subjects prescribed therefor by the Department."

Resolution by the Honourable Rao Bahadur V. S. Naik.

2. "That this Council respectfully recommends to His Excellency the Governor in Council that Government be pleased to appoint a committee consisting of officials and non-officials to visit, if necessary, the different municipal towns, inquire, examine and report whether the taxes imposed by the District Municipalities in the Presidency are commensurate with the facilities and amenities of life afforded by them to their rate-payers; and to recommend the minimum direct tax which each municipality should levy having regard to the facilities and amenities of life it has been affording to its rate-payers, the programme of improvements which each municipality has in view and the paying capacity of the residents of the municipal area."

Resolution by the Honourable Mr. S. B. Upasani.

3. "This Council recommends to His Excellency the Governor in Council that the system of taluka courts, and of linked courts where necessary be extended to all the districts in the Presidency so that the ryots may not have to go beyond the limits of their revenue talukas for their civil litigation."

Resolutions by the Honourable Mr. R. P. Paranjpye.

4. "This Council recommends that Government be pleased, when acquiring land for a new commercial concern under the Land Acquisition Act, to lay down a condition that the dispossessed owners be given the option of receiving the compensation for their lands in the form of fully paid up shares in that concern at par."

5. "That Government be pleased to consider the advisability and practicability of appointing honorary visitors to factories in the various industrial centres in the Presidency to assist the regular factory inspectors in their work of seeing that the regulations are being regularly followed in all factories."

Resolutions by the Honourable Shaikh Ghulam Hussein Hidayatallah, LL.B.

6. "This Council recommends to His Excellency the Governor in Council to convey to His Majesty the King-Emperor the humble loyalty and devotion of the Council to the person and throne of His Imperial Majesty, and its deep feelings of gratitude for the Royal Proclamation graciously expressing the Royal assent to the Government of India Bill and announcing the adoption of the great principle and policy of responsible Government for the Indian people."

7. "This Council recommends to His Excellency the Governor in Council eithe, to open Anglo-Vernacular schools in central places in the various sub-divisions in Sind or to make provision for the teaching of English in the Vernacular schools in important places."

8. "This Council recommends to His Excellency the Governor in Council to make due provision for the lodging of the non-official members of the Legislative Council, during the sitting of the Council, either by the reservation of accommodation in the hotels or by the construction of residential quarters."

Resolutions by the Honourable Mr. G. K. Parekh, LL.B.

9. "That a message expressing the loyal and dutiful homage of the people of this Pesidency be respectfully conveyed to His Majesty the King-Emperor and that the profound gratitude of the people be conveyed to His Majesty for His Gracious Proclamation of the 23rd December last and for giving His Royal Assent to the Government of India Bill passed by Parliament and for His Royal condescension in announcing His intention to depute His Royal Highness the Prince of Wales to visit India as His Majesty's representative for the purpose of inaugurating the new constitution; and this

LIST OF BUSINESS.

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Council tenders its respectful assurance to His Majesty the King-Emperor that His Royal Highness the Prince of Wales will receive a most cordial and enthusiastic welcome from the people of this Presidency."

10. "That the warmest congratulations be conveyed to His Majesty's Government, to the Right Honourable Mr. E. S. Montagu, the Secretary of State for India, to the Right Honourable Lord Sinha of Raipur, the Under Secretary of State for India, and to the British Parliament on the successful passage of the Government of India Bill through the two Houses of Parliament, which measure the Council regards as a definite and substantial step towards the progressive realisation of responsible Government."

Resolution by the Honourable Mr. G. M. Bhurgri, Bar.-at-Law.

11. "This Council recommends to His Excellency the Governor in Council that the draft Rules and Regulations to be framed under the Reform Act be referred for opinion to a Committee of non-official members of this Council before Government forwards its own recommendations in regard to them."

Resolutions by the Honourable Rao Saheb Harilal Desaibhai Desai, LL.B.

12. "This Council recommends to His Excellency the Governor in Council that the present procedure relating to the official approval of the plans and estimates for buildings for primary schools is unnecessarily cumbrous and deserves to be revised so as to facilitate the speedy construction of such buildings."

13. "This Council recommends to His Excellency the Governor in Council that the revenue year (from August to July) should be adopted as the official year for local boards instead of the financial year (from April to March) as at present."

14. "This Council recommends that His Excellency the Governor in Council may be pleased to take early steps to get the Local Boards Act amended so that the local boards may be authorized to levy a tax on vehicles including motors."

15. "This Council recommends that His Excellency the Governor in Council may be pleased to take early steps for the amendment of the Bombay District Municipal Act III of 1901 so as to empower a Municipality constituted under the said Act to prescribe the conditions on, or subject to which, and the circumstances in which, and the areas and localities in respect of which licenses may be granted, refused, suspended or withdrawn for the use of any place not belonging to the Municipality as—

(*a*) a factory, workshop, work-place, baking house, or as a business place in which steam, water, or other mechanical power is employed, and

(*b*) a hotel, eating-house, tea or coffee shop, restaurant, dining saloon, refreshment room and the like."

Resolution by the Honourable Mr. C. V. Mehta, LL.B.

16. "This Council recommends to His Excellency the Governor in Council that early legislation be undertaken for the compulsory registration of public charities."

Resolutions by the Honourable Mr. B. S. Kamat.

17. "This Council recommends that Government may be pleased to appoint a Committee of Inquiry to investigate the social and economic conditions of Mill and Factory Labour in the Presidency and to report on measures necessary for the prevention and handling of labour strikes, and the improvement of labour conditions in general."

18. "This Council recommends that an Advisory Committee of the Non-official Members of this Council be formed to advise Government on the rules framed under the Government of India Act, 1919, and on other cognate matters arising out of the recommendations of the Joint Select Committee, with special reference to the Bombay Presidency, the Committee to remain standing until the rules are finally approved by Parliament."

Resolutions by the Honourable Mr. S. B. Upasani.

19. "This Council recommends to His Excellency the Governor in Council that provision be made for opening dispensaries at Taluka and Peta head-quarter stations which are at present without dispensaries."

20. "This Council recommends to His Excellency the Governor in Council that adequate provision be made for opening a sufficient number of Marathi schools for the Marathi speaking children in the Kanara district having regard to the proportion of the Marathi speaking population of that district."

LIST OF BUSINESS.

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21. "This Council recommends to His Excellency the Governor in Council that head masters of taluka schools be relieved of the work which they have at present to do in connection with the Vernacular schools in the taluka or be given an extra hand for the same."

22. "This Council recommends to His Excellency the Governor in Council that he may be graciously pleased to consider the cases of the prisoners sentenced in the Akola riot case for remission of their sentences in view of the Royal Proclamation recommending amnesty in the case of persons sentenced under the Indian Defence Act."

23. "This Council recommends to His Excellency the Governor in Council that Municipalities and Local Boards be allowed to introduce the teaching of the first three English standards in their upper vernacular schools if there be more than 25 students available to attend the English classes."

Resolutions by the Honourable Rao Bahadur S. D. Garud.

24. "This Council recommends to His Excellency the Governor in Council that a Committee be appointed to recommend what steps should be taken to make the administration of civil justice more expeditious and efficient in this Presidency."

25. "This Council recommends to His Excellency the Governor in Council that a Committee be appointed to consider the proposals submitted by heads of offices and to make recommendations about the revision of pay of the subordinate services."

26. "This Council recommends to His Excellency the Governor in Council that the medical department of the Government of Bombay be directed to issue and widely circulate bulletins recommending simple treatments for the cure of diseases for the benefit of the village populations."

27. "This Council recommends to His Excellency the Governor in Council that non-official presidents be appointed for District Local Boards in the remaining districts of the Central Division."

Resolution by the Honourable Major C. Fernandes, M.D., F.C.P.S., I. M. S.

28. "This Council recommends that Government be pleased to move the Government of India to amend the Lepers Act, 1898, in the light of the present day knowledge of the disease of leprosy and the manner of its spread."

VII.—PAPERS PRESENTED TO THE COUNCIL—

1. Report of the Select Committee appointed to consider Bill No. VI of 1919 (A Bill further to amend the Bombay District Municipal Act, 1901).

2. Report of the Select Committee appointed to consider Bill No. VII of 1919 (A Bill further to amend the City of Bombay Municipal Act, 1888).

3. Report of the Select Committee appointed to consider Bill No. VIII of 1919 (A Bill to amend the law relating to the regulation of Public Conveyances).

4. Report of the Select Committee appointed to consider Bill No. X of 1919 (A Bill further to amend the City of Bombay Police Act, 1902).

5. Report of the Select Committee appointed to consider Bill No. XI of 1919 (A Bill to provide for the constitution of village panchayats).

6. Letter from the Government of India, Legislative Department, No. 186, dated 14th January 1920—Returning with the assent of His Excellency the Viceroy and Governor General signified thereon the authentic copy of the Bombay Prevention of Gambling (Amendment) Law, 1919.

7. Petition, dated 8th December 1919, from Mr. L. H. Idgunji and 39 others of Honavar, district Kanara, in connection with Bill No. VIII of 1919 (A Bill to amend the law relating to the regulation of Public Conveyances).

8. Representation from the Ahmedabad Municipality in connection with Bill No. VIII of 1919 (A Bill to amend the law relating to the regulation of Public Conveyances).

9. Petition, dated 20th January 1920, from Mr. J. M. Deshpande, Honorary Secretary, Inamdars' Association, Bijapur, in connection with Bill No. XI of 1919 (A Bill to provide for the constitution of village panchayats).

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10. Translation of a petition, dated January 1920, from Mr. Udeysing Najabhai of Sanodar in connection with Bill No. XI of 1919 (A Bill to provide for the constitution of village panchayats).

11. Letter from Mr. Parshuram Abaji Bhat, LL.B., Chairman, Managing Committee, Kolaba Zilla Sabha, Bombay, dated 14th February 1920—Submitting a petition in connection with Bill No. XI of 1919 (A Bill to provide for the constitution of village panchayats).

12. Translation of a petition, dated 20th February 1920, from Khachar Giga Lakhman and 125 others, Mulgemetis of Khambhda, taluka Dhanduka, district Ahmedabad, in connection with Bill No. XI of 1919 (A Bill to provided for the constitution of village panchayats).

13. Answer to question No. 10 put by the Honourable Khan Bahadur Ebrahim Haroon Jaffer at the meeting of the Legislative Council held on the 7th July 1919.

Note.—The following representations in connection with Bill No. XI of 1919 (a Bill to provide for the constitution of village panchayats) as amended by the Select Committee were not considered of sufficient importance to print, but the originals have been placed upon the Council Table and are available to the Honourable Members :—

1. Letter without date from the Honorary Secretaries, Bar Association, Chikodi, district Belgaum.

2. Letter dated 26th February 1920 from Mr. Daulatrao Bajirao Deshmukh of Kasegaon, taluka Pandharpur, district Sholapur.

3. Letter No. 1, dated 7th March 1920, from Mr. P. N. Bhatkar, Honorary Secretary, Bahiskrita Hitakarin Sabha, Bombay.

4. Letter dated 9th March 1920 from Sardar Naharsingji Thakor of Amod.

G. DAVIS,
Secretary to the Legislative Council
of the Governor of Bombay.

Bombay, 11th March 1920.

LIST OF BUSINESS.

[13TH MARCH 1920.]

FINANCIAL RESOLUTIONS ADMITTED FOR DISCUSSION AT THE MEETING OF THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF BOMBAY TO BE HELD ON SATURDAY, THE 13TH MARCH 1920.

7.—EXCISE.

Resolution by the Honourable Rao Bahadur S. D. Garud.

1. "Omit item 22 under excise in the Draft Financial Statement."

Resolution by the Honourable Rao Saheb Harilal Desaibhai Desai, LL.B.

2. "This Council recommends to His Excellency the Governor in Council that the provision of Rs. 9,00,000 contained in item No. 22 in Statement B of the Draft Financial Statement for 1920-21 relating to the expenditure in connection with the supply of country spirit to licensed retail vendors in certain areas in the presidency proper be changed to Rs. 3,00,000."

Resolutions by the Honourable Mr. B. S. Kamat.

3. "This Council recommends that Government may be pleased to make a provision of Rs. 50,000 under head 22, Education, in the Draft Financial Statement for the next year for the encouragement of manual training in Boys secondary schools under private management, and to meet the expenditure by a corresponding reduction in item No. 22 under head Excise, of Statement B (expenditure in connection with the supply of country spirit to licensed retail vendors)."

4. "This Council recommends that Government may be pleased to make a provision of Rs. 50,000 under head 22, Education, in the Draft Financial Statement for 1920-21 for grants for the encouragement of the study of Domestic science (cookery, laundry, house-work, etc.), in Girls' Schools, and to meet the expenditure by a corresponding reduction in item No. 22, head Excise of the Statement B (expenditure in connection with the supply of country spirit to licensed retail vendors)."

Resolution by the Honourable Rao Saheb Harilal Desaibhai Desai, LL.B.

5. "This Council recommends to His Excellency the Governor in Council that the provision of Rs. 7,39,000 contained in item No. 24 in Statement B of the Draft Financial Statement for 1920-21 relating to compensation to licensed manufacturers of country spirit owing to high prices of distilling materials be dropped."

Resolutions by the Honourable Mr. B. S. Kamat.

6. "This Council recommends that Government may be pleased to make a provision of Rs. 30,000 under head 22, Education, of Statement B of the Draft Financial Statement for the next year, for providing swimming baths at Poona, Ahmedabad and Dharwar to encourage swimming among students belonging to all schools and colleges; and that the expenditure be met by a corresponding reduction in item No. 24 of the said Statement B (compensation proposed to be paid to licensed manufacturers of country spirit)."

7. "This Council recommends that Government may be pleased to increase the provision for Building grants in item No. 263 of the Statement B of the Draft Financial Statement, under head 22, Education, by Rs. 1,00,000 and to make a corresponding reduction in item No. 24 of the same Statement, *viz.*, compensation to licensed manufacturers of country spirit, the amount of Rs. 1,00,000 to be ear-marked for free building grants for Primary schools in municipal areas."

Resolutions by the Honourable Rao Bahadur S. D. Garud.

8. "Reduce item 24 under excise in the Draft Financial Statement by rupees one lakh and provide that sum for compensation to licensees of opium and ganja shops for losses sustained by them in the years 1918-19 and 1919-20."

9. "This Council recommends that lump provision be made for grant of Rs. 10,000 for swimming bath for schools, Dhulia, to be met by a corresponding reduction in item No. 25 of the Draft Financial Statement B."

11.—FOREST.

Resolutions by the Honourable Rao Bahadur S. D. Garud.

10. "This Council recommends that lump provision be made for grant of Rs. 30,000 for Khillari cattle farm, Shirpur, to be met by a corresponding reduction in item No. 41 of the Draft Financial Statement B."

LIST OF BUSINESS.

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11. "This Council recommends that lump provision be made for grant of Rs. 20,000 for Arunavati bridge, Shirpur, to be met by a corresponding reduction in item No. 42 of the Draft Financial Statement B."

20.—POLICE.

Resolutions by the Honourable Mr. B. S. Kamat.

12. "This Council recommends that Government may be pleased to make a provision of Rs. 25,000 under head 22, Education in the Budget for the next year, for grants-in-aid to approved *Free* Reading Rooms and Libraries in the Presidency chiefly for the purchase of reference books, and that a corresponding reduction be made in item No. 207 in Statement B of the Draft Financial Statement (Lump provision for bad climate allowance to Police officers)."

13. "This Council recommends that Government may be pleased to increase the provision for the development of Primary education from the surplus excise revenue (item No. 242 of Statement B, Draft Financial Statement) by Rs. 100,000, the amount to be ear-marked for providing special facilities for the encouragement of primary education of girls, both in municipal and rural areas; and that a corresponding decrease may be made in item No. 229 of the said Statement B."

Resolutions by the Honourable Mr. G. K. Parekh, LL.B.

14. "This Council recommends that the Governor in Council be pleased to disallow entries Nos. 218, 219, 220 and 221 under the head of Police in Statement B attached to the Draft Financial Statement of the Government of Bombay."

15. "This Council recommends that the Governor in Council be pleased to disallow entry No. 233 under the head of Police in Statement B attached to the Draft Financial Statement of the Government of Bombay."

G. DAVIS,
Secretary to the Legislative Council
of the Governor of Bombay.

Bombay, 12th March 1920.

LEGISLATIVE COUNCIL, 13th March 1920.

LIST OF QUESTIONS AND ANSWERS.

THE HONOURABLE MR. D. V. BELVI, LL.B.

Questions.	*Answers.*
1. (*a*) Is it a fact that in the Ranebennur taluka of the Dhárwár district many people who have contributed to the Second Indian War Loan through the revenue authorities have not yet received their war bonds? War Loan in Ranebennur táluka, district Dhárwár.	1. (*a*) On the 14th October 1919, 77 bonds of the Second Indian War Loan subscribed for through the Ranebennur Post Office remained undelivered.
(*b*) Will Government be pleased to say whether it is a fact that the táluka authorities are now returning money to some of the contributors?	(*b*) In some cases subscribers to the Second Indian War Loan tendered payment to the Mámlatdár in Post Office Cash Certificates of the First Indian War Loan. The surplus proceeds of these Cash Certificates over and above the amounts subscribed to the Second Indian War Loan have been returned to the subscribers.
(*c*) Will Government be pleased to say whether it is a fact that some bonds that have been applied for through the revenue authorities and issued are found to be in the names of persons whose identity could not be traced and thus they remain undelivered with the postal authorities?	(*c*) Of the 77 bonds mentioned in the answer to clause (*a*) 60 are in process of delivery to the persons entitled. In the case of the remaining 17 bonds, of the nominal value of Rs. 750, the full names of the holders have not been entered by the Calcutta Issue Office. The original applications have accordingly been asked for from the Calcutta Issue Office for verification. When received arrangements will be made for the delivery of the bonds.
[*This question was asked at the meeting held on the 18th September 1919 when an* ad interim *reply was given.*]	
2. (*a*) Has the attention of Government been drawn to an article in English published by the newspaper *Shubhodaya* under the heading "the Educational Inspector, Southern Division" in its issue of the 7th November 1919 and to an article in Kanarese under the same heading published by the newspaper *Chandrodaya* in its issue dated the 10th November 1919? Educational Inspector, S. D.	2. (*a*) and (*b*) In continuation of the reply given at the last meeting, it may be stated that Government have since also seen the article in Kanarese referred to by the Honourable Member. They do not, however, think that any grievance exists.
(*b*) If so, has Government been pleased to pass any orders for redressing the grievance of the Southern Division set out therein?	
3. (*a*) Will Government be pleased to state if the road from Hungund to Ilkal in the Bijapur District is in a bad condition at present? Bijapur Hungund Ilkal Road.	3. (*a*) The road is 7½ miles long of which 4½ are in fairly good condition. Three miles made up of scattered portions are not in good condition.
(*b*) How many Nullas are there on the said road from Hungund to Ilkal and how many of them have been either paved or have causeways or culverts over them?	(*b*) There are 21 nullahs on the road of which four have slab drains and one a paved dip.

QUESTIONS AND ANSWERS.

[*Mr. D. V. Belvi.*] [13TH MARCH 1920.]

Questions.

Answers.

4. (*a*) With reference to their reply to question No. 11 put by the Honourable Rao Saheb Harilal Desai at the meeting of the Council on the 18th September 1919, will Government be pleased to state whether the Committee has called for the opinions of any practising lawyers in the Presidency and whether it has taken any other steps to ascertain the views of the public.

Judicial Service Commission.

4. (*a*) The answer is in the negative. The Public Services Commission, whose recommendations regarding the Judicial Branch of the Provincial Civil Service the Committee was required to consider, had already ascertained the views of the public on the matter.

(*b*) Will Government be pleased to state how long and how many years ago each one of the three Indian Members of the Committee was "a practising lawyer" and the monthly salary on which each one of them began his service in the Judicial Department?

(*b*) A statement* giving the information is placed on the Council Table.

* *Vide* Appendix A.

5. (*a*) Is it a fact that the forest authorities of the Mundargi range in the Kanara district have recently detained over 100 agricultural animals of the inhabitants of Vannalli at Divgi, Mirjan and Mundargi and that they have demanded one rupee per herd of the cattle on the ground that they were allowed to graze in a wrong range?

Kanara, Grazing Fines.

5. (*a*) No. At Divgi four agricultural bullocks of Vannalli cultivators were detained for half a day by a mistake of the Patil. At Mirjan and Madangeri no Vannalli cultivators' cattle were detained.

(*b*) If so, is it a fact that the villagers of Vannalli used to graze their cattle in the Mundargi range of forests up to a recent date?

(*b*) They still do so on payment of 2 annas extra.

(*c*) Have any changes been recently introduced into the apportionment of ranges regarding grazing areas near the villages under consideration?

(*c*) Yes, in 1916.

(*d*) If so, was the convenience of the ryots consulted through any of their representatives before making the changes?

(*d*) The changes did not affect the grazing arrangements in force at that time and the cultivators were therefore not consulted.

(*e*) What steps were taken to inform the ryots of the changes made?

(*e*) None.

(*f*) Will Government be pleased to state the rules under which the demand made by the forest authorities is warranted?

(*f*) The demand of Re. 1 for agricultural animals is not warranted by rules, and in the few cases where it was collected under a misapprehension, the sum has been refunded.

6. (*a*) Is it true that the Conservator of Forests, S. C., has issued orders withdrawing from the cultivators in the district of Kanara the privilege of bringing fencing materials from the forests without permits?

Kanara (Fencing materials).

6. (*a*) and (*b*) The Honourable Member is referred to the answer to Question No. 14.

(*b*) If so, will Government be pleased to place a copy of the order or orders on the table?

QUESTIONS AND ANSWERS.

[13TH MARCH 1920.] [*Mr. D. V. Belvi.*]

Questions.

Answers.

7. (*a*) Will Government be pleased to state if it is a fact that in the Ranebennur taluka of the Dharwar district large sums of money collected from ryots for the Second War Loan have been invested under directions of the Mamlatdar of the taluka by the postal authorities in War bonds in the names of certain Co-operative Credit Societies in the taluka without the consent of the contributors?

Ranebennur, War Loan Collections.

7. (*a*) Out of the sums subscribed by the ryots in Ranebennur Taluka for the Second Indian War Loan a portion was invested in war bonds through the Post Offices in the names of the Co-operative Credit Societies of the taluka. This was done with the concurrence of the members of the War Loan Committees but without the consent of the individuals concerned except in some cases where the societies themselves took the initiative, collected the money and invested the same in war bonds.

(*b*) If so, will Government be pleased to state the names of the Co-operative Societies together with the amounts of the War Bonds thus issued in their names?

(*b*) The names of the Co-operative Credit Societies and the amounts of the war bonds so issued in their names stand as under:—

	Names of Societies.	Amounts of War Bonds.
		Rs.
1.	Hulihalli Agricultural Co-operative Credit Society...	1,600
2.	Motebenur do. ...	3,700
3.	Maknur do. ...	3,850
4.	Yennihosahalli do. ...	1,450
5.	Karur do. ...	2,000
6.	Chalgeri do. ...	1,925
7.	Bannihatti do. ...	1,300
8.	Asundi do. ...	2,300
9.	Airani do. ...	1,100
10.	Joisarharalali do. ...	3,000
11.	Kadarmandalgi do. ...	2,925
12.	Magod do. ...	3,500
13.	Ranebennur do. ...	12,675
14.	Byadgi Housing Association ...	500
		41,825

(*c*) Is it a fact that the Mamlatdar sent in the names of the contributors to the Co-operative Credit Societies considerably long after the amounts had been collected asking them to open an account in the names of the contributors and to credit the amounts contributed by them as deposits for five years without the consent of such depositors?

(*c*) The Mamlatdar sent the list of contributors to the majority of Co-operative Credit Societies without undue delay, but in some cases there was a delay varying from two to four months. This is reported to have been due to the rush of collections. Government have no information that the Mamlatdar specified any period for the deposit. The bonds are for a period of three years. One society, the Ranebennur Agricultural Co-operative Credit Society, contends that the investment is for five years.

(*d*) If so, is it true that many of the contributors are now pressing the Co-operative Societies either to return their money or to give them War Bonds in their names on the ground that they did not pay their money to be deposited with Co-operative Societies and that the Assistant Collector to whom the matter was referred in some cases has ordered that the deposits should be returned?

(*d*) Some of the contributors belonging to 5 villages out of 50 villages concerned have asked for the return of their money. They did so on the ground of their pecuniary needs. None of the contributors asks for War Bonds. The District Deputy Collector has ordered repayment of Rs. 275 in respect of such contributions.

(*e*) Is it a fact that some of the Co-operative Societies sold the War Bonds

(*e*) All the Co-operative Credit Societies except No. 14, viz., Byadgi

QUESTIONS AND ANSWERS.

[*Mr. D. V. Belvi.*] [13TH MARCH 1920.]

Questions.	*Answers.*
under the belief that the deposits were for a period of five years and advanced the proceeds of the sale in loans to their members and that the Societies are now unable to return the deposits without serious inconvenience?	Association, have sold the bonds. As stated above all the Societies except the Ranebennur Agricultural Co-operative Credit Society have acted on the assumption that the investments were for a *period of three years.* The sale proceeds of the bonds have been advanced to members (including among them some subscribers) of the Societies. Some Societies are prepared to repay the amounts in less than three years and the Magod Agricultural Co-operative Credit Society has already repaid the whole amount. The Ranebennur Society alone finds it inconvenient to repay the amounts before the expiry of five years, mainly on the ground that the Society is not otherwise likely to be much profited.
(*f*) Will Government be pleased to state in how many individual cases of deposits in the different Co-operative Societies the amount of the deposit was more than Rs. 25 and the reasons which led the Mamlatdar not to purchase War Bonds in the names of the ryots through the Post Office?	(*f*) Amounts of and over Rs. 25 collected from 525 individual contributors have been invested in purchasing War Bonds in the names of Co-operative Credit Societies. It is reported that this action was taken because the necessary applications for War Bonds from the contributors themselves did not reach the Mamlatdar of the taluka in time.
8. (*a*) Is it true that a considerable portion of cultivable land in the Haliyal taluka of the Kanara District has not been sown this year owing to unseasonable and heavy rain? (Kanara, Haliyal Crops.)	8. (*a*) and (*b*) The approximate percentage of lands left fallow to the total cultivable area is 10·6.
(*b*) If so, what is the approximate percentage of such land to the total cultivable area in the taluka?	
(*c*) Have any petitions been received by the Collector of Kanara and the Commissioner, S. D., either for suspension or remission of land revenue for the current year?	(*c*) Yes; for both.
(*d*) What were the total amounts of suspensions, remissions and takavi loans granted in the taluka during each of the last five years?	(*d*) The appended statement* gives the required information. * *Vide* Appendix J.
9. (*a*) Will Government be pleased to state whether they have empowered any District Judges or Assistant Judges in the Presidency including the Province of Sind under clause 2 of section 3 of Bombay Act VI of 1917 since the said Act came into force? (Election cases.)	9. (*a*) This question has already been answered.
(*b*) Is it a fact that a large number of cases involving questions of the validity of elections under the Bombay District Municipal Act, 1901, and the Bombay Local Boards Act, 1884, are pending	(*b*) In Sind and the Central Division there are no such cases. In the Northern Division there were two such cases in the Surat District and in the Southern Division twenty in the Bel-

QUESTIONS AND ANSWERS.

[13TH MARCH 1920.] [*Mr. D. V. Belvi.*]

Questions.	*Answers.*
disposal for want of Judges specially empowered to try them?	gaum District and 9 in the Dharwar District. Assistant Judges in these districts have already been specially empowered to try such cases.
10. (*a*) Has the attention of Government been drawn to stray note No. 2 published in the same issue of the same newspaper* complaining against the imposition of a fine of Rs. 100 on cultivators in a village in the Kanara district? Kanara, Fines. *i. e., the "Karwar News" in its issue of 12th November 1919.	10. (*a*) Yes.
(*b*) Are the facts correctly set out in the stray note?	(*b*) No.
(*c*) If not, what are the real facts?	(*c*) The Honourable Member is referred to the answer to Question No. 17* put by him at the meeting of the Legislative Council held on 10th December 1919. * Printed as Question No. 5 in this list.
[*These questions were asked at the meeting held on the 10th December 1919, when* ad interim *replies were given.*]	
†11. (*a*) Has the attention of Government been drawn to a letter in Marathi published in the newspaper *The Kanara News* in its issue of the 4th October 1919 over the signature of "A poor ryot of Supa" complaining of the exorbitant grazing fees demanded by the forest authorities there? Forest Grazing Fees.	11. (*a*) Yes.
(*b*) If so, what steps have Government taken in the matter?	(*b*) Collectors are authorised to raise grazing fees to Re. 1 and, with sanction of Commissioner, to Rs. 2, in cases where forest fires are frequent and the villagers do not render assistance to the authorities in preventing them. Government do not therefore consider that any action is necessary in the matter.
†12. With reference to their reply to my question No. 19 (*b*) put at the sessions of the Council in July 1919, will Government be pleased to state if any circular orders have been issued to the Revenue and Forest Officers in Kanara to afford all possible facilities for cultivation in the forests with a view to stimulate agriculture in the district? Cultivation in Forests.	12. Orders were issued in 1918 that cultivable land lying waste in Forest villages should be afforested and given out for cultivation by the Forest Department. The question of the correct policy with regard to Kanara forests is under consideration at present.
†13. (*a*) Will Government be pleased to state with reference to their reply to my interpellation No. 18 (*b*) in the meeting of the Council in July last if they have received a detailed report from Kanara, Decrease of Population.	13. (*a*) and (*b*) A preliminary note by Mr. Tupper has been received and the question is under investigation which must take time.

† These questions were asked at the meeting held on the 10th December 1919. The answers to it were not then ready.

QUESTIONS AND ANSWERS.

[*Mr. D. V. Belvi.*] [13TH MARCH 1920.]

Questions.	*Answers.*
Mr. Tupper, lately Collector of Kanara, regarding the decrease of population in the district?	
(*b*) If so, what action have Government taken in the matter?	
*14. (*a*) Has the attention of Government been called to a leading article under the heading "The end of temporary Forest concessions" published by the *Karwar News* in its issue dated the 12th November 1919? Forest Concessions.	14. (*a*) Yes.
(*b*) If so, will Government be pleased to state the nature of the concessions, the date on which they had been granted and the reasons for their withdrawal?	(*b*) The concession granted was permission to take material for fences and for dams from open Forest without a permit. The concession was granted on 25th November 1918 as a temporary measure because (*a*) the influenza epidemic had so reduced the Forest staff that the permits could not be granted as promptly as usual and (*b*) in accordance with the orders of Government it was desirable in a famine year to extend the area of cultivation by all means possible. The concession was withdrawn as the special circumstances referred to no longer existed and it was found that in consequence of the concession wilful damage was done to valuable timber.
(*c*) Will Government be pleased to lay on the table copies of the orders for the grant and also for the withdrawal of the concessions?	(*c*) Copies† of the orders passed by the Conservator of Forests, S.C., are placed on the Council Table.
	† *Vide* Appendix N.
15. (*a*) Has the attention of Government been drawn to the correspondence published on page 15 of the issue of "The *Bombay Chronicle*" dated 31st December 1919 under the heading "Forced labour in Bareja; Harassment by Officials"? Forced labour in Bareja.	15. (*a*) Yes.
(*b*) If so, are the allegations made therein correct?	(*b*) No.
(*c*) If not, what are the real facts?	(*c*) On November 8th a bullock of Jetha Valabhbhai was impressed from his well. It was found not fit for carting and returned to Jetha Valabhbhai's nephew. There is no evidence that Jetha Valabhbhai was abused and it is certain his allegations of being caned and beaten are false. The allegation that the Mamlatdar threatened Jethabhai Gokalbhai and compelled him to bring a cart is false. The Mamlatdar attempted to persuade him to give his assistance in inducing the villagers to supply carts.

* This question was asked at the meeting held on the 10th December 1919. The answer to it was not then ready.

QUESTIONS AND ANSWERS.

[13TH MARCH 1920.] [*Mr. D. V. Belvi.*]

Questions. *Answers.*

Eleven cases were lodged by the Mukhi Bareja against various villagers. There is little doubt that these cases were false. The Mukhi, a youth of 22, will be punished.

16. (*a*) Will Government be pleased to state in the case of each District in the Presidency of Bombay except the Province of Sind the names of the villages in which "Jagir-lands not under the General Regulations" within the meaning of section 6 of Bombay Act No. III of 1869 are exempted from the payment of local cess of one anna on every rupee of Land Revenue or Sayer Revenue?

Jagir lands: exemptions from local cess.

(*b*) What will be the total amount of money leviable each year in the absence of such exemption?

16. (*a*) and (*b*) Information will be called for.

17. (*a*) Has the attention of Government been called to a letter published on page 7 in the issue of the *Bombay Chronicle* dated the 16th January 1920 under the heading "Belgaum Railway Station"?

Belgaum railway station.

(*b*) If so, are the allegations made therein true?

(*c*) If not what are the real facts?

17. (*a*), (*b*) and (*c*) The attention of Government was not drawn to the letter in question. The Agent, Madras and Southern Mahratta Railway Company, was however addressed in the matter and a copy of his letter* is laid on the table.

Vide Appendix GG.

18. (*a*) What was the average number of tickets issued to third class passengers every day at the railway station at Belgaum from the 1st of January 1919 to the 31st December 1919?

Issue of railway tickets, Belgaum.

(*b*) What is the total number of platform tickets issued from the said railway station during the aforesaid period of time?

(*c*) What are the hours during which the booking office at the said station is open for issue of tickets to passengers?

(*d*) Is there a booking office at any other place than the railway station at Belgaum?

18. (*a*) The daily average of 3rd class tickets sold at Belgaum from 1st January 1919 to 31st December 1919 was 909.

(*b*) The total number of platform tickets sold at Belgaum during the same period was 30,305, *i.e.*, average 83 daily.

(*c*) The booking office at Belgaum is open from 5 a. m. to 9-30 p. m. daily and during the night for 2 hours prior to due departure of each passenger train.

(*d*) There is no booking office at any other place than the railway station at Belgaum.

19. Will Government be pleased to state—

(*a*) The total number of Indian public servants in each department of the administration in the Bombay Presidency?

Public servants: employment of "untouchables."

(*b*) The total number of public servants in each department who belong to "the untouchable classes?"

19. (*a*) and (*b*) Information is being collected.

QUESTIONS AND ANSWERS.

[*Mr. D. V. Belvi.*] [13TH MARCH 1920.]

Questions.	*Answers.*
20. (*a*) Will Government be pleased to state if there are any scholarships or free studentships exclusively reserved for pupils from "the untouchable classes" in Government secondary schools or Government colleges in the Bombay Presidency including the Province of Sind? *Government educational institutions: scholarships for "untouchables."*	20. (*a*) and (*b*) Enquiries are being made.
(*b*) If so, how many and in which institutions?	
21. What is the total number of pupils from "the untouchable classes" at present studying in the Presidency in Government and aided— *Government educational institutions: attendance of "untouchables."*	21. The information has been called for.
(*a*) secondary schools,	
(*b*) professional colleges,	
(*c*) arts colleges,	
(*d*) medical schools, arts schools and technical and industrial schools?	
22. Will Government be pleased to state:—	22. (*a*) The attention of the Honourable Member is requested to the statistics furnished in the last report on the administration of Civil and Criminal Justice.
(*a*) The total number of Civil and Criminal Courts of all descriptions in the Presidency of Bombay including the Province of Sind? *Civil and Criminal Courts.*	
(*b*) The number of Civil and Criminal Courts in which there is sitting accommodation provided for parties and witnesses?	(*b*) and (*c*) Government have no information on the subject but will be ready to consider representations in any specific cases.
(*c*) The total number of Civil and Criminal Courts in which there are separate rooms for members of the legal profession?	
23. Will Government be pleased to state if they ever applied to His Excellency the Governor General of India for extension to the Presidency of Bombay of the provisions of Act XXVI of 1917? *Act XXVI of 1917.*	23. No.
24. (*a*) Is it a fact that both the Civil and the Criminal Circular Orders of the High Court of Bombay have been out of print for some years? *Criminal and Civil High Court Circulars, Bombay.*	24. (*a*) and (*b*) The information will be obtained.
(*b*) If so, when may the public expect to have a new and revised edition of them?	
25. Will Government be pleased to state:—	25. (*a*) and (*b*) Information will be called for.

QUESTIONS AND ANSWERS.

[13TH MARCH 1920.] [*Mr. D. V. Belvi.*]

Questions.	*Answers.*
(*a*) The total number of students of the Bombay Veterinary College who volunteered to go on military duty and who went overseas during the last great war and who have since entered the Civil Veterinaty Department?	
Bombay Veterinary College: Students and war service.	
(*b*) The total number of such students as were specially rewarded for their services in war?	
26. (*a*) Is it a fact that the revised scheme for the Civil Veterinary Department in the Bombay Presidency has been drawn up?	26. (*a*) Yes.
Civil Veterinary Department: Revised scheme.	
(*b*) If so, was the scheme drawn up after consulting the employees of the Department and after listening to their grievances?	(*b*) Memorials were received and considered and the Officers of the Department consulted.
(*c*) When will the revised scheme come into operation?	(*c*) The scheme has been submitted for sanction.
27. (*a*) Will Government be pleased to state if they have framed any rules under section 69 of the Bombay Local Boards Act I of 1884 as amended by Bombay Act V of 1919?	27. (*a*) and (*b*) Rules have been drafted and the Commissioners have been asked to obtain the opinions of the District Local Boards with non-official presidents in their respective charges on the draft.
Rules under Bom. I of 1884.	
(*b*) If so, will Government be pleased to place a copy of the rules on the table of the Council?	
28. (*a*) Is it a fact that the Commissioner, S. D., has recently issued a circular to the Collectors in the Division about an admixture of castes among candidates for Mamlat?	28. (*a*) to (*e*) Report will be called for.
Appointment to Mamlat: Southern Division.	
(*b*) If so, will Government be pleased to lay a copy of the circular on the Council table?	
(*c*) Is it true that a copy of the said circular has been sent to Rao Bahadur R. C. Artal, a retired Deputy Collector, with a request to recommend Lingayat candidates for Mamlat?	
(*d*) Have any appointments of Mamlatdars been made recently by the Commissioner, S. D., in the Belgaum District in accordance with the principle of the aforesaid circular superseding the claims of several duly qualified and competent senior candidates for Mamlat?	
(*e*) Was the circular issued by the Commissioner, S. D., with the approval of Government?	

QUESTIONS AND ANSWERS.

[*Mr. D. V. Belvi.*] [13TH MARCH 1920.]

Questions.	*Answers.*
29. (*a*) Has the attention of Government been drawn to an article in the issue of the *Mahratta*, dated 25th January 1920, under the heading "Amnesty and Savarkar brothers"? The Savarkar brothers.	29. (*a*) Yes.
(*b*) If so, is it true that Mr. G. D. Savarkar was convicted of abetting the waging of war against His Majesty by publishing a poem and was sentenced to transportation for life and confiscation of property?	(*b*) Ganesh D. Savarkar was sentenced to transportation for life and forfeiture of property and to two years' rigorous imprisonment by the Sessions Judge of Nasik, concurring with the assessors, for offences committed under sections 121 and 124-A of the Indian Penal Code by the publication of a book of Marathi poems which were held by the original Court and by the High Court on appeal to contain matter of a grossly seditious character and incitements to rebellion.
(*c*) Does the article contain a correct statement of facts?	(*c*) and (*d*) No such representations as referred to in the article have reached this Government.
(*d*) If not, what are the real facts?	
(*e*) Will Government be graciously pleased to say if they ever recommended the Savarkar brothers or either of them to the clemency of the Government of India in view of the recent Royal Proclamation?	(*e*) No.
30. (*a*) Will Government be pleased to state what amounts of wharfage fees, at one anna per passenger, have been realised till now at each of the ports touched by the Killick Nixon Company's steamers sailing from Bombay to Mangalore? Wharfage fees and convenience of passengers, Bombay-Mangalore.	30. (*a*) to (*c*) The information has been called for.
(*b*) Are there any schemes under the consideration of Government for the convenience of passengers?	
(*c*) If so, when are they likely to be materialised?	
31. (*a*) Is there any prospect of the Karwar-Hubli Motor Mail Service being opened early? Karwar-Hubli Motor Mail Service.	31. (*a*) There is no immediate prospect of the service being opened.
(*b*) Why has it been delayed so long?	(*b*) The delay is due to the fact that the road as at present constructed is not safe for a motor service during the monsoon months.
32. (*a*) Will Government be pleased to place on the table a statement in a tabular form, giving the cultivated area, the anna valuation of crops, the amount of remission and suspension of revenue, the total amount of annual assessment, the number of cattle, and the general agri- Taluka Haliyal, district Kanara.	32. (*a*) Information will be called for.

QUESTIONS AND ANSWERS.

[13TH MARCH 1920.] [*Mr. D. V. Belvi.*]

Questions.	*Answers.*
cultural condition of the Haliyal Taluka of the Kanara Collectorate, for each year from 1916 to date?	
(*b*) Are Government aware of the demands made by the land holders of the taluka, as formulated in their resolutions passed at the Taluka Sabha held on 1st February 1920?	(*b*) No.
33. (*a*) Is there any reserved forest consisting of casurina trees in the Karwar town? Is Government aware of the resolutions passed by the General Committee of the Karwar Municipality on 24th June 1919 or thereabouts, asking for disafforestation of the area in the interest of the growth of the town? Reserved forest, Karwar town.	33. (*a*) and (*b*) The information asked for by the Honourable Member in the first sentence of the Question will be called for. Government are not aware of the resolutions referred to.
(*b*) What action has Government taken in the matter?	
34. (*a*) Is it a fact that a certain forest official in Kanara had been entrusted with the work of preparing a scheme for the introduction of the "Taungya" system of "in-forest" cultivation in Kanara? "In forest" cultivation, Kanara.	34. (*a*) and (*b*) "Taungya" or kumri cultivation within forest boundaries has been permitted in certain places in Kanara for sometime past. The efforts which have been made to give this form of grain cultivation some economic value by combing with it tree cultivation, are now beginning to show promising results. For example 140 acres in 14 villages of the Honavar and Bhatkal talukas were cleared and cultivated with teak and ragi and the young teak is now coming on well.
(*b*) If so, what has been the result?	
35. (*a*) With reference to their reply to Question No. 8 put by the Honourable Shaikh Ghulam Hussein Hidayatallah on the 10th December 1919, will Government be pleased to state if they have submitted any proposals for the sanction of higher authorities in the matter of war allowance to Government servants on monthly salaries above 70 rupees? War allowances to Government servants.	35. (*a*) Yes.
(*b*) If so, has the sanction been received?	(*b*) and (*c*) Sanction has just been received.
(*c*) If not, cannot the allowance be paid in anticipation of the sanction?	
36. With reference to Press Note No. 1717 (Judicial Department), dated 20th February 1920, will Government be pleased to state in a tabular form the names of the 46 printing presses and 8 newspapers in respect of which deposit of securities under the Indian Press Act, 1910, was taken and the names of the 34 presses and 5 newspapers in connection with which securities have now been ordered to be returned? Newspapers and Presses.	36. The information asked for is contained in the attached* lists. Owing to a change in the designation of one press which had not been reported at the time the Press Note was issued, the figures 46 and 34 should be altered to 45 and 33 respectively. * *Vide* Appendix X.

QUESTIONS AND ANSWERS.

[*Mr. Sheriff Devji Canji; Mr. P. A. Desai.*] [13TH MARCH 1920.]

THE HON'BLE MR. SHERIFF DEVJI CANJI.

Questions.	*Answers.*
1. (*a*) Have the Government read the remarks of the Indian Industrial Commission on the question of housing of the working classes in Bombay and on the question of the location of the G. I. P. Railway workshop in the midst of an expanding residential area? (Housing of working classes, Bombay.)	1. (*a*) Yes.
(*b*) Will Government be pleased to state the steps that they have taken or propose to take in connection with the matter referred to in (*a*)?	(*b*) The matter is at present under the consideration of Government.
2. (*a*) Has the attention of the Government been drawn to an article in the "Gujarati" of the 15th instant printed on pages 345, 346 and 347 regarding painful state of the teachers of the Mahi Kantha Agency? (School teachers, Mahi Kantha Agency.)	2. (*a*) Yes.
(*b*) Will Government be pleased to state whether teachers of the Mahi Kantha Agency are allowed any war allowance etc.? If paid, how much? If not why not?	(*b*) A report has been called for.
3. Will Government be pleased to state—	3. (*a*) and (*b*) A report has been called for.
(*a*) What is the total number of schools in the Mahi Kantha Agency? (Schools, Mahi Kantha Agency.)	
(i) Number of boys and girls in each school.	
(ii) Number of teachers in each school and the qualifications of each teacher.	
(iii) Salaries paid to each of the members of the teaching staff in each school.	
(*b*) When was the present scale of salaries fixed and whether the scale was revised in each case?	

THE HONOURABLE MR. P. A. DESAI.

1. Will Government be pleased to state—	
(*a*) Whether the original survey settlement in the Mangaon taluka of the Kolaba district was made after 1854 and whether any portions of lands were left unassessed as "Pot Kharab"? (Kolaba Khots: assessment of Pot Kharab.)	1. (*a*) Yes.

QUESTIONS AND ANSWERS.

[13TH MARCH 1920.] [*Mr. P. A. Desai.*]

Questions.	*Answers.*
(*b*) Whether Government has issued a resolution after the survey directing settlement officers to accept and confirm such "Pot Kharabs" as exempt from assessment, even at any subsequent revision?	(*b*) Yes.
(*c*) Whether the said resolution was translated into the vernacular and copies thereof were sent to all the khots in the Mangaon taluka?	(*c*) This resolution together with others was printed in the *Government Gazette*, copies placed on Editors' Table, translations into vernaculars made and supplied to vernacular newspapers. District officers were asked to place a copy of the translation on village records and to distribute it freely to the public.
(*d*) Whether such "Pot Kharabs" were since then brought under cultivation by the occupants at their expense?	(*d*) Pot Kharab has in many cases probably been brought under cultivation by occupants at their own expense, but as such improvements are not assessed, Government officers do not record them.
(*e*) Whether in spite of the resolution above referred to, such lands have been assessed at the Revision Survey? and	(*e*) and (*f*) No.
(*f*) Whether complaints with regard to the grievance were made to Government, and, if so, with what result?	
[*This question was asked at the meeting held on the 7th July 1919, when an* ad interim *reply was given.*]	
2. Will Government be pleased to state—	2. In continuation of the reply given at the last meeting it may be stated that it is reported that Thana Municipality has, owing to insufficient funds not yet paid its primary school teachers war allowance at the scale fixed by Government. The question of making an advance asked for by the Municipality for the purpose is, however, under consideration.
(*a*) If the teachers of the primary schools of the Thana Municipality have applied to the Director of Public Instruction for obtaining war allowance at the scale fixed by Government and from January 1918? Thana Municipal War Allowances.	
(*b*) What steps, if any, have been taken by Government towards securing the allowance sought for?	
(*c*) Whether the Thana Municipality have paid these teachers according to the above scale and from the above date? If not, why not?	
[*This question was asked at the meeting held on the 10th December 1919, when an* ad interim *reply was given.*]	
3. Will Government be pleased to state how many first and second Appeals were disposed of by the first Bench of the High Court of Bombay from June to December 1918? Appeals: High Court, Bombay.	3. The information will be obtained.

QUESTIONS AND ANSWERS.

[*Mr. P. A. Desai.*] [13TH MARCH 1920.]

Questions.	*Answers.*
4. (*a*) Is it a fact that there is a dearth of hands in the Sharistedar's office on the Appellate Side of the High Court and is the work of supplying certified copies of the orders of the Court delayed for over months together? Sharistedar's office, High Court, Bombay.	4. (*a*) and (*b*) The information is to be obtained.
(*b*) Is it a fact that the whole of the working establishment of the Sharistedar's office on the Appellate Side of the High Court is huddled up in one room and does this not cause serious inconvenience both to the office and the pleaders practising on the Appellate Side?	
5. Is the rule that the certified copies should be supplied to the applicants within ten days strictly followed on the Appellate Side in recent times in the High Court of Bombay? High Court, Bombay: Supply of certified copies.	5. The information is to be obtained.
6. (*a*) Will Government be pleased to publish the terms of the proposed monopoly of the tail water from Hydro-Electric Works at Khopoli to be given to the Khopoli Land Company? Tail water, Khopoli.	6. (*a*) The main conditions are:— (1) Payment of the cost of acquisition of the land required by the company. (2) Royalty for the use of tail water to be charged at the rates mentioned in the Press Note published on page 8 of the supplement to the *Bombay Government Gazette* dated 8th January 1920. The other conditions are based as far as possible on the terms of the agreement entered into with the Andhra Valley Power Supply Company, Limited, which has been published in Government Notification No. 14857-A. dated 20th December 1919, printed in the supplement to the *Bombay Government Gazette* dated 25th December 1919. The agreement containing the terms to be granted to the Khopoli Land Company will be published when it is executed.
(*b*) Does Government propose to call tenders as desired by the Indian Merchants' Chamber for giving the intended monopoly?	(*b*) No. Government had already fully considered the effect of a monopoly with a view to the fullest utilization for industrial purposes of all the water available.
7. Will Government be pleased to furnish a statement of the lands purchased by the Khopoli Land Company? Khopoli Land Company.	7. Government are not aware that any lands have been purchased.
8. Does Government propose to give monopoly of the tail water of the third Hydro-Electric Works now under construction in the Roha taluka of the Kolaba district by Tata Power, Limited? Hydro-Electric Works, taluka Roha, district Kolaba.	8. It is presumed that the Honourable Member refers to the Nila-Mula scheme. No proposals as regards the utilization of the tail water are at present under the consideration of Government.
If so, what are its terms?	

QUESTIONS AND ANSWERS.

[13TH MARCH 1920.]

Questions.

[*Mr. P. A. Desai; Rao Saheb H. D. Desai.*]

Answers.

of Educational Inspector carries with it duties which are more important than those of a Head Master and because the question of the reclassification of the posts included in the Indian and Provincial Educational Services has not yet been finally settled.

*19. Will Government be pleased to state—

Fishery development.

(*a*) What progress has been made so far in the development of fisheries in the Southern Range?

19. (*a*) The Honourable Member is referred to paragraph 28 of the Annual Report of the Department of Industries for 1918-19.

(*b*) Whether Mr. Walke, the Superintendent, had been deputed to visit the Malabar Fishery under Sir Frederick Nicholson?

(*b*) Mr. Walke inspected the operations of the Madras Department of Fisheries at Calicut in May 1919.

(*c*) What steps have Government taken to train the local fishermen in the improved methods?

(*c*) Mr. Walke visits the fish curing yards for the purpose of training the local fishermen in improved methods.

THE HONOURABLE RAO SAHEB HARILAL DESAIBHAI DESAI.

1. (*a*) Will Government be pleased to give the following information in the form of a statement as regards the warrants referred to the Municipal Commissioner for the City of Bombay for execution by the Executive Officers of the District Municipalities since the insertion of sub-section 2-A to section 83 of the Bombay District Municipal Act III of 1901 by Bombay Act VIII of 1914, *viz.*:—

Arrears of mofussil municipalities collected in Bombay.

(1) Name of the Municipality sending warrants for execution;

(2) Number of warrants sent up by it for execution every year;

(3) The total amount to be recovered under the said warrants per year;

(4) The number of warrants executed and the total yearly recoveries for such Municipality;

(5) How many warrants remained unexecuted and for what amount.

1. (*a*) The information required by the Honourable Member is contained in the accompanying statements.†

† *Vide* Appendices O and P.

(*b*) Will Government be pleased to state which, if any, of the District Municipalities have made representations to Government that the Municipal Commissioner for the City of Bombay has refused to comply with his obligations under section 83 (2 A)? If so, what action have Government taken thereon?

(*c*) Will Government be pleased to state whether the opinion of the Honourable the Advocate General was taken in about 1917 as to the legal obligation of the Municipal Commissioner, Bombay, to execute the warrants sent up by the District Municipalities?

(*b*), (*c*) and (*d*). These have already been replied to.

* This question was asked at the meeting held on the 10th December 1919. The answer to it was not then ready.

QUESTIONS AND ANSWERS.

[*Rao Saheb H. D. Desai.*] [13TH MARCH 1920.]

Questions.

(*d*) Will Government be pleased to state whether it is not a fact that the District Municipalities have been mutually helping each other in executing warrants sent up for execution?

2. Will Government be pleased to state—

Municipal teachers: Salaries and War Allowances.

(*a*) Whether it is a fact that the teachers of the municipal schools in the towns of Mahudha in Kaira District and Ghogo in the Ahmedabad District have not received war allowances and salaries as per time scale sanctioned by Government since several months?

(*b*) Whether it is a fact that the Collector of Kaira had reported that the town of Mahudha was unable to bear any further taxation and that the Government should give a special subsidy to help the Municipality to bear the additional liability under the head of education?

(*c*) Whether the additional grant has been sanctioned?

(*d*) If not, are Government going to sanction it?

(*e*) How many other Municipalities are in a similar predicament?

3. Will Government be pleased to state

Vernacular teachers: Compulsory retirement.

(*a*) whether it is a fact that trained teachers in vernacular schools are compulsorily retired at the age of 55 years even when they are physically fit?

(*b*) If so, the grounds for not giving extensions to teachers of primary schools in cases where they are physically fit?

[*These questions were asked at the meeting held on the 10th December 1919 when* ad interim *replies were given.*]

*4. Will Government be pleased to state—

Ahmedabad: Government control of foodstuffs, etc.

(1) Whether any one has been appointed commission agent in Ahmedabad for alizarine colours? If so, what is his name, and remuneration and what are his duties?

Answers.

2. (*a*) In continuation of the reply given to him at the last Council Meeting, the Honourable Member is informed that it has been ascertained that the Ghogo Municipality have not yet paid war allowance and revised code pay to their school teachers.

Parts (*b*), (*c*), (*d*) and (*e*) of the question have already been answered.

3. (*a*) Trained teachers in vernacular schools like other non-ministerial officers are ordinarily required to retire at the age of 55 unless unquestionable public grounds for retention in service are shown to exist and there is no doubt as to the physical fitness of the teachers.

(*b*) There are no special orders regarding extension to teachers of primary schools. Their cases like those of all non-ministerial officers are governed by Article 459 (*b*) of the Civil Service Regulations as recently amended.

4. (1) An arrangement has been made for the distribution of alizarine dyes in Ahmedabad through an agent named Tribhovandas Hansraj who is allowed to charge six per cent. as his profit over and above the cost price and expenses of carriage from Bombay to Ahmedabad. A register of the names of persons to whom the dyes are issued is maintained by the Collector and dyes are distributed only to the persons listed by the Collector, and in proportion fixed by him which is settled according to the number of men employed.

* This question was asked at the meeting held on the 10th December 1919. The answer to it was not then ready.

QUESTIONS AND ANSWERS.

[13TH MARCH 1920.] [*Mr. P. A. Desai.*]

Questions.	*Answers.*
9. With reference to my question No. 4 asked at the meeting of the 10th December 1919 will Government be pleased to state definitely as to what are those steps contemplated by Government? Khopoli canal,	9. The appended statement* gives the information desired by the Honourable Member. No tannery effluent is to be discharged into the river unless chemically treated to the satisfaction of Government. * *Vide* Appendix Y.
10. With reference to my question No. 10 asked at the meeting of 24th July 1917 will Government be pleased to state whether Government have taken any definite steps to construct a bridge on the Patal-Ganga river? Patal-Ganga bridge.	10. Detailed plans and estimates for a bridge over the Patal-Ganga river are in course of preparation.
11. Will Government be pleased to state what was the expenditure for the district local board clerical staff under official presidents and what is it now under non-official presidents? Clerical staff, district local board.	11. Information is being obtained.
12. Will Government be pleased to state—	12. (*a*), (*b*), (*c*), (*d*), (*e*) and (*f*). The Honourable Member's attention is invited to the final reply given to question No. 8 asked by him at the meeting of the Legislative Council held on 7th July 1919.
(*a*) Whether the original survey settlement in the Mangaon taluka of the Kolaba district was made after 1854 and whether any portions of land were left unassessed as "Pôt-Kharab?" "Pôt-Kharab": taluka Mangaon, district Kolaba.	
(*b*) Whether Government has issued a Resolution after the survey directing settlement officers to accept and confirm such "Pôt-Kharabs" as exempt from assessment even at any subsequent revision?	
(*c*) Whether the said Resolution was translated into the vernacular and copies thereof were sent to all the Khots in the Mangaon taluka?	
(*d*) Whether such "Pôt-Kharabs" were since then brought under cultivation by the occupants at their expense?	
(*e*) Whether in spite of the Resolution, above referred to, such lands have been assessd at the revision survey?	
(*f*) And whether complaints with regard to the grievance were made to Government and, if so, with what result?	
13. Will Government be pleased to state how long they intend to keep rice under control? Rice control.	13. The attention of the Honourable member is invited to the Press Communique issued by the Government of India on the 24th of December last. It will be seen that no definite period has been stated therein. The matter is one for the Government of India to decide.

QUESTIONS AND ANSWERS.

[*Mr. P. A Desai.*] [13TH MARCH 1920.]

Questions.	*Answers.*
14. Will Government be pleased to state when they intend to take over charge of the present Anglo-Vernacular School at Bagalkot in the Bijapur district from the Municipality and raise it to the status of a High School? (Anglo-Vernacular School: Bagalkot, district Bijapur.)	14. The matter is still under consideration.
15. Will Government be pleased to state whether the railway station at Bijapur is to be removed to another site to prevent damage to the Gol Gumaz from its vicinity; if so, what site has been selected for building the railway station? (Removal of railway station, Bijapur.)	15. Information will be called for.
16. (*a*) Is it a fact that cultivators living near the Goa frontier in the Karwar taluka in the villages of Majali, Mudgeri, etc., are being daily subjected to examination by the customs authorities while going to their daily duties of cultivating the fields lying between the Customs Naka and the Goa frontier? (Customs Naka, Goa Frontier.)	16. (*a*) As long as the Customs Naka is at Majali, examination must be made there; but the villagers have recently been granted the concession of bringing fencing materials from Portuguese territory without duty.
(*b*) Was the attention of Government drawn to the resolutions passed by the Karwar Taluka Agricultural Conferences held at Halga and at Mudgeri complaining of the above and suggesting the removal of the Naka to the farthest limit of the frontier?	(*b*) Yes.
17. Is there any truth in the complaint made by the "Kanara News" of Kumta in the Kanara Collectorate in its issue of 19th February that certain restrictions on the fishing rights of the local fishermen in the Aghanashini river have been placed by Mr. Walke, the Superintendent of Fisheries in the Southern Dvision? (Fishing rights, Kumta, district Kanara.)	17. Information has been called for
18. (*a*) Is it a fact that Mr. Savarkar who has been admitted into the I. E. S. has been acting on a P. E. S. and that Mr. Hungund of the P. E. S. is acting on the I. E. S. post? (An educational appointment.)	18. (*a*) and (*b*) Mr. Savarkar, Educational Inspector, Northern Division, was promoted to the Indian Educational Service by utilizing the vacancy in the post of Head Master of the Dharwar High School but on the distinct understanding that he would continue to serve in his own appointment, pending *inter alia* the re-organization of the Indian Educational Service. He therefore continues to do duty as Educational Inspector, N. D., and Mr. Hungund, who is doing duty as Head Master of the Dharwar High School, is serving in his own post in the Provincial Educational Service and is not acting in the Indian Educational Service. The arrangement is continued because the post
(*b*) If so, how did the anomaly arise and on what grounds is it continued?	

QUESTIONS AND ANSWERS.

[13TH MARCH 1920.] [*Rao Saheb H. D. Desai.*]

Questions.	*Answers.*
(2) Why his intervention is necessary and whether he does not get commission for practically no work or risk?	(2) The Agent is a necessary part of the machinery of control which had to be introduced to prevent the exploitation of the small dyer by profiteering middlemen. Having regard to the work to be done, Government have no reason to believe that the rate of commission paid is excessive.
(3) In how many matters whether foodstuffs or other articles there is still Government control in Ahmedabad? Who are the intermediaries? What are their names in each case? What is their remuneration and what are their duties?	(3) Government control is exercised in the case of the following articles:— (i) alizarine dyes; (ii) Wheat, gram and Burma rice. As regards (i) the Honourable Member is referred to the reply to clause (1) above. As regards (ii) movement of grain between the districts within the Presidency is free. Imports from Bombay or from outside the Presidency require licenses. The latter are issued by the Director of Civil Supplies, Bombay. At present there are 64 such licensees in the City of Ahmedabad and 71 in the District whose names are given in the list† appended. The price of Burma rice alone is controlled and the licensee is allowed to charge eight annas per bag over and above the Bombay price *plus* the cost of carriage, etc., The prices of wheat and gram are not now controlled. These licensees alone can import these three food stuffs from Bombay and from outside the Presidency according to the allotment made by the Collector. † *Vide* Appendix B.
5. Will Government be pleased to give the following information:— Appeals: High Court, Bombay. (*a*) The number of pending appeals, civil and criminal as well as revisional applications, civil and criminal, before His Majesty's High Court at Bombay on 1st June 1919, excluding those pending for admission only. (*b*) The number of appeals and applications civil and criminal decided by the First and Second Divisional Benches on the Appellate Side of the High Court between 1st June 1919 and 31st December 1919. (*c*) A statement showing— (1) the number of appeals and applications, civil as well as criminal pending for admission only on the reopening of the High Court after the summer vacation of 1918 and 1919: (2) the number of appeals and applications civil and criminal filed between the reopening of the Court	5. The information will be obtained.

QUESTIONS AND ANSWERS.

[*Rao Saheb H. D. Desai; Sardar Syed Ali El Edroos.*] [13TH MARCH 1920.]

Questions.	*Answers.*
after summer vacation of 1918 and 31st December 1918 and between the reopening of the summer vacation of 1919 and 31st December 1919.	
(*d*) The number of appeals and applications, civil and criminal, similarly disposed of between the periods referred to in item (2) above.	
6. Will Government be pleased to place on the table the opinion of the Advocate General No. 34, dated 11th August 1917, referred to in No. 5954, dated 24th August 1917, G. D., to the Bombay City Municipality printed as Appendix J in reply to my question 10 (*b*) at the Council of 10th December 1919, and relating to the obligation of the Municipal Commissioner for the City of Bombay to execute the warrants addressed to him by mofussil municipalities? (Mofussil Municipalities: warrants in Bombay City.)	6. A copy of the Honourable the Advocate General's opinion* (No. 34, dated the 11th August 1917) is placed on the Council Table. * *Vide* Appendix Q.
7. Will Government be pleased to state whether any special concessions of free places and scholarships are being given to the backward population of Dharalas in Gujarat for study in Middle Schools and High Schools? (Scholarships for Dharalas.)	7. "Information is being called for from the Director of Public Instruction."
8. Will Government be pleased to state whether arrangements have been made to introduce time scale salaries to teachers of primary schools in Agencies and to grant them War Allowances? (Salaries of teachers in Agencies.)	8. A report has been called for.
9. Will Government be pleased to state whether any arrangements have been made to preserve the prospects of graduates who joined service in the Revenue Department of Government before the system of taking up probationers by selection was introduced? (Graduates in the Revenue Department.)	9. Yes.

THE HONOURABLE SARDAR SYED ALI EL EDROOS.

1. (*a*) Will Government be pleased to state if it has come to its knowledge that in the districts of Surat and Broach the crops are being damaged every year to a great extent by wild pigs? (Damage to crops by pigs.)	1. (*a*) Some damage is reported from the Chorasi Taluka of the Surat District and less from a few villages in the Broach, Jambusar and Vagra Talukas.
(*b*) If so, what steps have been taken to destroy them?	(*b*) In both districts fresh gun licenses have been issued and in Surat a grant of Rs. 300 has been made and a party of shikaris organised.
[*This question was asked at the meeting held on the 10th December 1919 when an* ad interim *reply was given.*]	

QUESTIONS AND ANSWERS.

[13TH MARCH 1920.] [*Major C. Fernandes; Rao Bahadur S. D. Garud; Shaikh Ghulam Hussein Hadayatallah.*]

THE HONOURABLE MAJOR C. FERNANDES, M.D., F.C.P.S., I.M.S.

Questions.	*Answers.*
1. What were the cart hire rates per mile of impressed carts in Kanara in the years 1890, 1900, 1910, and what are they at present? (Kanara : Cart hire rates.)	1. The rate of cart hire of impressed carts in the Kanara District in the years 1890, 1900 and 1910 was two annas per mile. The present rate is four annas per mile from 1st June to 30th September and two annas per mile throughout the rest of the year.
[*This question was asked at the meeting held on the 10th December 1919 when an* ad interim *reply was given.*]	
*2. With reference to Government's reply to my interpellation No. 15 in the last March Session of this Council, regarding the spread of malaria in the Kanara District owing to the large growth of forest, will Government be pleased to state whether the question has been submitted to expert investigation and, if so, with what result? (Kanara: Spread of malaria.)	2. The answer is in the negative.

THE HONOURABLE RAO BAHADUR S. D. GARUD.

1. (*a*) Will Government be pleased to state whether the Purmapada Tank in the West Khandesh district is likely to be taken up for completion in the near future? (West Khandesh Purmapada Tank.)	1. (*a*) The tank will be taken up as a relief work when necessary.
(*b*) How much is it estimated to cost?	(*b*) About Rs. 10 lakhs.
(*c*) What amount has been already spent upon it as a famine relief work?	(*c*) Rs. 2,11,953.
(*d*) How many acres is it expected to irrigate?	(*d*) About 3,000 acres.
(*e*) When is it likely to be completed?	(*e*) It will take at least five years to complete the tank, if sufficient labour is available.
[*This question was asked at the meeting held on the 10th December 1919 when an* ad interim *reply was given.*]	

THE HONOURABLE SHAIKH GHULAM HUSSEIN HADAYATALLAH, B.A., LL.B.

1. Will Government be pleased to state— (*a*) If there are any balances on the educational side of the District Local Boards in Sind? (Local Board Educational Balance.)	1. (*a*) Yes.

*This question was asked at the meeting held on the 10th December 1919. The answer to it was not then ready.

QUESTIONS AND ANSWERS.

[*Shaikh Ghulam Hussein Hadayat-allah.*] [13TH MARCH 1920.]

Questions.	*Answers.*
(*b*) If so, why they have not been spent?	(*b*) The balances were mainly due to the fact that grants-in-aid of school buildings were received late in the year 1918-19 and could not therefore be spent during that year.
2. Will Government be pleased to state—	
Sind : peasant proprietorship. (*a*) If there are any peasant proprietors in Sind;	2. (*a*) Yes.
(*b*) If any attempt has been made by Government to encourage peasant proprietorship in Sind?	(*b*) Yes.
3. Will Government be pleased to state—	
(*a*) What sums have been spent by Government on the clearance of the canals in Sind during the last five years; Sind : Canal Clearance; Public Works Department Bungalows.	3. (*a*) and (*b*) The Honourable Member is referred to the answer given to a similar question, No. 3, put by the Honourable Mr. G. M. Bhurgri at the meeting of the Legislative Council held on 7th July 1919.
(*b*) What sums have been spent on the construction and maintenance of the Public Works Department Bungalows in Sind during the same period?	
4. Will Government be pleased to state—	
(*a*) What sums are proposed to be budgeted on the provincial roads in Sind; Sind : Provincial roads.	4. (*a*) It is not yet possible to say what sums will be allocated to these roads.
(*b*) Specify the District Local Board roads in Sind which they propose to provincialize?	(*b*) From information received up to date it is possible that the following roads may be provincialized:— 1. Road from Karachi Cemetery to Drigh. 2. Hub River Road. 3. Tatta-Jungshahi Road. 4. Radhan-Meher Road. 5. Road from Sukkur to Shikarpur. 6. Road from Shikarpur to Jacobabad. 7. Road to Maurypur Salt Works. 8. Chor to Umarkot. 9. Pad Idan to Naushahro. 10. Uderolal to Hala. 11. Uderolal to Uderolal station. Complete proposals are shortly expected.
5. (*a*) Has the attention of Government been drawn to the orders of the Commissioner in Sind stopping direct recruitment to the appointment of Resident Magistrates in Sind for 2 years? Sind : Appointment of Resident Magistrates.	5. (*a*) Yes.

QUESTIONS AND ANSWERS.

[13TH MARCH 1920.] [*Shaikh Ghulam Hussein Hadayatallah.*]

Questions. *Answers.*

(*b*) Will Government be pleased to state the reasons for such action?

(*b*) Owing to temporary causes, direct recruitment of Resident Megistrates was far in excess of normal requirements in the year 1918, and officers so recruited had to be absorbed in the ordinary cadre and the promotion of men by the ordinary method from the lower ranks was therefore blocked. In order to restore equilibrium between the two methods of recruitment, and to prevent injustice to men already serving in the lower ranks, it has become necessary to suspend direct recruitment of Resident Magistrates.

6. (*a*) Has the attention of Government been drawn to the following resolutions passed by the All-India Mahomedan Educational Conference held at Khairpur in December last, viz —

Sind: Teaching of Persian; Mahomedan education.

(1) that Persian be retained as one of the subjects in the Vernacular Training College at Hyderabad as essential for the efficient teaching of Sindhi;

(2) that the recurring grant of a lakh made by Government towards Mahomedan education in Sind be substantially increased?

(*b*) Will Government be pleased to state what action, if any, has been, or is proposed to be, taken in the matter?

6. Resolutions of the nature referred to have not been received by Government.

7. (*a*) Has the attention of Government been drawn to the memorial submitted by the primary teachers in Sind in respect of their salaries?

Sind: Memorial of primary teachers.

(*b*) Will Government be pleased to state what action, if any, has been, or is proposed to be, taken in the matter?

7. (*a*) A memorial signed by one individual teacher of a primary school in Sind has been received.

(*b*) The general question regarding the pay and prospects of primary school teachers is under the consideration of the Director of Public Instruction, and the memorial is being referred to that officer for consideration along with the general question.

8. Will Government be pleased to state—

(*a*) Whether an officer who holds a permanent appointment in a higher grade and who is subsequently brought down from that appointment to one in a lower grade in the same service is to be considered reduced or reverted;

Subordinate Judges in Sind.

(*b*) If considered reduced, whether it is a fact that the Sub-Judges in Sind made permanent by the Commissioner in Sind's Notification No. 455, dated the 25th April 1918, *Sind*

8. (*a*) (*b*) and (*c*) The attention of the Honourable Member is invited to the reply given to his question No. 10 put at the meeting of the Legislative Council held on the 10th December 1919.

QUESTIONS AND ANSWERS.

[*Shaikh Ghulam Hussein Hadayatallah; Sardar Gulam Jilani Bijlikhan.*] [13TH MARCH 1920.]

Questions.	*Answers.*
Official Gazette, dated the 2nd May 1918, Part I, page 761, as Second Class, 1st Grade, Second Class, 2nd Grade, and Second Class, 3rd Grade, have been reduced to Second Class; 2nd Grade, Second Class, 3rd Grade, and Second Class, 4th Grade, respectively, by the Commisioner in Sind's Notification No. 295, dated the 1st July 1919, *Sind Official Gazette*, dated the 10th July 1919, Part I, page 1466, and No. 626, dated the 17th December 1919, Part I, page 2610;	
(*c*) If so, whether they should not be reinstated in the appointments in which they were made permanent by the Commissioner in Sind's Notification No. 455, dated the 25th April 1918, referred to above, since they have been reduced without fault?	
9. Will Government be pleased to state what has been done about one lakh of rupees that has been given by Khan Bahadur Mir Ghulam Mahomed Khan, O.B.E., of Tando Bago for education in Sind? Gift to education in Sind.	9. Enquiry is being made.

THE HONOURABLE SARDAR GULAM JILANI BIJLIKHAN.

1. (*a*) Is it a fact that four members are nominated by Government to the Tasgaon Municipality in the Satara District in addition to the elected members? Tasgaon Municipality.	1. (*a*) This has already been replied to.
(*b*) Will Government be pleased to state whether it has been the general practice to nominate one Mahomedan as a councillor of the Municipality?	(*b*) and (*c*) A Mahomedan councillor was nominated in each of the triennial periods commencing 1907, 1910 and 1913, for which no Mahomedan councillor was elected. In 1916, a Mahomedan councillor was nominated in addition to an elected councillor of that community. In 1919, however, as the number of nominated members was reduced to 4, no Mahomedan was nominated as one member of that community was elected and it was thought that this representation was sufficient for the Mahomedan population (635 out of a total population of 6,825). Moreover, in addition to the two nominated official councillors, it was desired to nominate a Maratha and a Mahar, there being no representative of the depressed classes on the Board, and only one Maratha.
(*c*) If so, will Government be pleased to state why the abovementioned rule was not observed after the recent municipal elections of Tasgaon?	

[*This question was asked at the meeting held on the 10th December 1919 when an* ad interim *reply was given.*]

QUESTIONS AND ANSWERS.

[13TH MARCH 1920.] [*Mr. B. S. Kamat.*]

THE HONOURABLE MR. B. S. KAMAT.

Questions.	*Answers.*
1. (*a*) With reference to the general revision of pay of clerical establishments proposed by Government this year (*vide* Circular No. 8311, Financial Department, of 6th December last) will Government be pleased to lay on the Council table a statement showing with reference to the Revenue Department, the number of clerical and other subordinate appointments affected, the rates of pay in force at present, and the total annual costs for the establishments for all the districts?	1. (*a*) For the Presidency proper, the Revenue clerical posts to be revised are 3,550 in number. The rates of pay including war allowance range from Rs. 22½ to Rs. 131 per mensem and the total cost of the pay including war allowance is Rs. 20,68,788 per annum. Information for Sind is not yet available.
Pay of clerical establishments.	
(*b*) Will Government also give figures of the total outlay on account of war allowance for the above?	(*b*) Information will be called for.
(*c*) Will Government be pleased similarly to give a list of the departments from which proposals are invited for a revision of the pay of the clerical establishments giving a tabular statement for each department, showing details as above?	(*c*) It is proposed to revise the pay of clerical establishments of all Departments, but the details asked for are not yet available.
(*d*) Will Government be pleased to state if the pay of the clerical establishments of any other department than *Salt and Excise* has been revised since the close of the war, and if so, what is the minimum pay of the lowest grade as now revised?	(*d*) Revised pay for certain clerical establishments in Bombay City have been sanctioned since the war. The lowest rate of the pay sanctioned under these revisions is Rs. 45.
2. (*a*) With reference to the recommendation of the Joint Select Committee on the Government of India Act, 1919, concerning reservation of seats for the Marathas, will Government be pleased to say what steps are being taken to arrive at the suggested settlement by negotiation between the Brahmins and the Marathas?	2. (*a*) The Reforms Commissioner has had discussions with representatives of the Maratha League and Deccan Ryots' Association on the question of who should be regarded as Marathas for the purpose of the special representation recommended by the Joint Committee. He has now called a meeting of representatives of these two bodies, of two representatives to be nominated by the Collector of Kolaba and Ratnagiri and of representatives of the Provincial Congress Committees and of the Deccan Subha to discuss the question of the extent of the special representation to be provided.
Reform Scheme: Seats for Marathas.	
(*b*) Will Government also state the principle on which representatives of both the sides will be chosen?	(*b*) The principle on which Government are acting is to obtain as full representation of both sides as possible.
3. (*a*) Are Government aware of a universal feeling prevailing amongst the inhabitants of Poona City that the health of the town has been adversely affected owing to the defects in the Poona City drainage works?	3. (*a*) to (*d*) An enquiry is being made.
Health statistics of Poona City.	

QUESTIONS AND ANSWERS.

[*Mr. B. S. Kamat.*] [13TH MARCH 1920.]

Questions.	*Answers.*
(*b*) Will Government be pleased to say if the Sanitary Commissioner to Government has looked into the comparative statistics of the health and mortality of city in the predrainage days and since the construction of the drainage system?	
(*c*) If the answer is in the affirmative will Government please say if he has arrived at a conclusion justifying the prevalent belief?	
(*d*) If the answer is in the negative, will Government be pleased to furnish comparative figures bearing on the mortality and the diseases in Poona City, say, during three years prior to the commencement of the drainage as well as since the construction of the drainage?	
4. With reference to the proposed hydro-electric scheme by the Tata Power Company in the Poona District will Government be pleased to furnish the following information? (Hydro-electric scheme; Tata Power Company.)	4. (*a*) Information will be called for.
(*a*) What is the number of villages likely to be submerged by the dam, the number of landholders, and the total population likely to be affected?	
(*b*) Regarding the acquisition of this area for Tata Power Company, have Government considered the practicability of any special method of compensation to the owners concerned, in view of the wide and wholesale character of the dispossession which the scheme will cause?	(*b*) Government propose to stipulate for the payment by the Company of all costs of compensating adequately those dispossessed either in land or cash.
(*c*) If the agreement under the license has been already made with the Tata Power Company, were any steps taken by Government to ask the company to treat the claims for compensation on behalf of the owners with a consideration deserving of the special hardship caused? If so, what are the provisions in the license in the interest of owners?	(*c*) The agreement has not yet been passed but attention is invited to the answer to (*b*) above.
5. Will Government be pleased to say— (*a*) How many shops there are in Bombay City for the sale of foreign liquor, wholesale and retail? (Foreign liquor shops.)	5. (*a*) The number of foreign liquor licenses in the City of Bombay is as follows:— 1. Wholesale ... 70; 2. Retail "Off" ... 55; 3. Refreshment Rooms ... 41; 4. Hotels ... 12; 5. Permanent Refreshment Stalls ... 4; 6. Retail "On" ... 38
(*b*) Have the licenses for these been granted by an open auction system or otherwise?	
(*c*) If no auctions were held, were there any special reasons for the decision?	(*b*) and (*c*) Only foreign liquor "On" shops as being in the position of country

QUESTIONS AND ANSWERS.

[13TH MARCH 1920.] [*Mr. B. S. Kamat.*]

Questions.	*Answers.*
	liquor shops (excluding privileged shops, 12 in number) were granted by auction. Owing to the difficulty of securing premises and the consequent absence of free competition, a reserve price assessed at fixed fee rates was fixed, and bidding only allowed when there was more than one competition for the license at the reserve price.
6. Will Government be pleased to say:—	
(*a*) How many shops for the vend of country liquor in the Presidency had to be re-auctioned last year owing to the licensees having failed to carry out their contracts, and what was the loss or gain to Government by the re-auctioning? Country liquor shops.	6. (*a*) Information will be called for.
(*b*) Is the auction system to be continued after the 1st of April next?	(*b*) and (*c*) The privilege of vend was disposed of by auction for 3 years ending March 31st, 1921. There will be no material change of arrangement before that date.
(*c*) Is the number of country liquor shops in the Presidency proposed to be generally kept the same for next year?	
7. With reference to the distillery contract given to Messrs. Carew and Company for certain parts of the Presidency, what is the total loss, if any, direct or indirect to Government— Distillery contracts.	7. (*a*) and (*b*) The information will be available when the company's accounts are examined after the expiry of their contracts on 31st March 1920.
(*a*) Owing to the fault of the contractors?	
(*b*) Owing to causes beyond the control of the contractors?	
(*c*) Did Government make any cash advance to Messrs. Carew and Company to help them with the working of the contract?	(*c*) Yes.
8. (*a*) Will Government be pleased to state how many posts of Assistant Directors of Industries are proposed to be created at present and whether they are to be recruited for in England or India? Assistant Directors of Industries.	8. (*a*) There are at present two Assistant Directors of Industries. It is impossible to say how many more may be required in future. Assistant Directors will be recruited wherever qualified men can be found.
(*b*) Will Government be pleased to say (i) what were the professional qualifications of Captain Wishart who was in the Industries Department till recently? (ii) What was also his salary per month, and what was the nature of duties assigned to him specially at Dapuri? (iii) Had he any professional degree or diploma? If so, which?	(*b*) (i) and (iii) Captain Wishart is a B. Sc., Edinburgh, served apprenticeship with Messrs. Doughlas and Grant, and taught Engineering at the University of Birmingham and in South Africa. (ii) Rs. 1,000 per mensem. His duty was the reorganization of Dapuri Workshop to fit it for work required under the Industries Department.

QUESTIONS AND ANSWERS.

[*Thakor of Kerwada.*] [13TH MARCH 1920.]

Questions.	*Answers.*
THE HONOURABLE SARDAR DULABAWA RAISINGJI, THAKOR OF KERWADA.	
1. Will Government be pleased to place on the Council Table a statement showing number of inam villages in each district of the Presidency? (Inam villages in Bombay Presidency.)	1. The Honourable Member is referred to the statement placed on the Council Table at the meeting of the Legislative Council held on 18th April 1907 in reply to the Question No. 3 asked by the Honourable Meherban Narayanrao Govind *alias* Baba Saheb Ghorpade, Jaghirdar of Ichalkaranji, at the meeting of the Council held on 16th March 1907.
2. Will Government be pleased to place on the Council table a list of Khoti villages in the Deccan? (Khoti villages in the Deccan.)	2. There are none in the Deccan.
3. Is it a fact that the village police are maintained by the proprietors of the village? (Village Police in alienated villages.)	3. No.
4. (*a*) Is there any educational qualification necessary for the selection of revenue and police patels of these inam villages? (Patels in alienated villages.)	4. (*a*) The Honourable Member is referred to page 320 of the Hereditary Offices Act edited by H. S. Phadnis.
(*b*) Who recommends for the post of these Patels in Inam villages?	(*b*) Patels are normally appointed under the provisions of Act III of 1874, under which no recommendation is required.
5. Will Government be pleased to place on the Council Table a statement showing talukdari villages in the district of Ahmedabad? (Talukdari villages in Ahmedabad district.)	5. The number of talukdari villages is 319 as shown below :— Dholka ... 43; Dhandhuka ... 110 (excluding 28 villages of the Limbdi State); Gogho ... 55; Sanand ... 34; Viramgam ... 77; Total ... 319
6. Have Government obtained the opinion of district officers on the legislation concerning village panchayats? (District officers and village panchayats.)	6. District officers were consulted before the original draft bill was prepared by Mr. Martin. They have not been consulted subsequently.
7. Will Government be pleased to place on the Council Table the opinions of district officers and all the papers relating to this legislation as well as all memorials by people against this legislation? (Papers concerning the Panchayat bill.)	7. As regards the opinions of district officers relating to the legislation in question the Honourable Member is referred to Appendices A and C to Section V of the Report of the Special Officer on Local Self-Government. Government are not prepared to place on the Table the papers relating to the legislation. With regard to the memorials by people against the legislation the attention of the Honourable Member is invited to the papers presented to the Council.

QUESTIONS AND ANSWERS.

[13TH MARCH 1920.]

[*Thakor of Kerwada; Mr. C. V. Mehta.*]

Questions.

Answers.

8. Will Government be pleased to state—

Talukdari estate of Bhunkoda.

(*a*) since how long the estate of Bhunkoda is under the management of the Talukdari Settlement Officer and for what grounds and sections of the Talukdari Act, it is still continued?

8. (*a*) The Honourable Member is referred to the answers given to clauses (*a*) and (*b*) to Question No. 4 put by the Honourable Rao Saheb H. D. Desai at the meeting of the Legislative Council held in September last.

(*b*) Is it a fact that talukdars holding 91 Dokdas' Bhag of Bhunkoda applied for releasing their estates from the management of the Talukdari Settlement Officer?

(*b*) Inquiry will be made.

9. Is it a fact that the estate of Makhiawa was taken under the management under section 28 of the Gujarat Talukdars' Act as per Government Order No. 2117, dated 6th March 1914, only for one year, and although the period of one year expired five years ago and in spite of the protest of the widows of the late Thakor, the management is still continued?

Talukdari estate of Makhiawa.

9. Inquiry will be made.

THE HONOURABLE MR. C. V. MEHTA, LL.B.

1. With reference to Press Note No. 15086 of 23rd December 1919 regarding the export of cattle will Government be pleased to state—

Export of cattle.

(*a*) Whether the figures relate to the year 1919;

1. (*a*) The figures relate to the period from 1st January 1919 upto the date of the Press Note.

(*b*) whether there were exports from other places besides Bombay; and if so, the number of such exports;

(*b*) Statement* X showing the number of cattle exported from Calcutta to foreign countries during 1918-19 and from April to December 1919, and statement* Y showing the exports of cattle from the Ports of the Madras Presidency during 1919 are appended. During the period from 1st April 1918 to December 1919, the total number of cattle exported by sea from Karachi on private account was two and on account of the Military Department was 1,059.

* *Vide* Appendices R and S.

(*c*) the number of cattle exported to Mesopotamia and other places not included in the Press Note for military or other purposes;

(*c*) There were no exports of cattle from Bombay to Mesopotamia and other places on account of the Military Department.

(*d*) the figures for exports as above during each of the last five years including 1919?

(*d*) The appended statement† Z shows the number of cattle exported from Bombay to foreign countries on private account during each of the five years ending 1919. There were no exports on account of Military Department during this period.

† *Vide* Appendix T.

QUESTIONS AND ANSWERS.

[*Mr. C. V. Mehta.*] [13TH MARCH 1920.]

Questions.

2. Will Government be pleased to state the quantities of ghee and butter exported to Mesopotamia and other places during each of the last five years including 1919?

Export of ghee and butter.

3. (*a*) Are Government aware that several fatalities have occurred at the bathing sands at Versova and Juhu?

Drowning accidents: Bathing sands at Versova and Juhu.

(*b*) Will Government be pleased to state the number of such accidents during the last five years?

(*c*) Is it proposed to take any action?

4. (*a*) Will Government be pleased to state the names of Kalambandi villages of Matar taluka, Kaira district, with the extent of land under cultivation and irrigation in each?

Kalambandi villages, taluka Matar, district Kaira.

(*b*) Is it a fact that water-rate in addition to ordinary assessment is charged on all lands in three villages? If so, what is the rate charged and the annual amount realized thereby?

(*c*) (i) Was water from Khari river regularly supplied to such lands during the last five years?

(ii) If not, will the Government be pleased to state why and in which years it was not so done?

(iii) Was any remission granted for the years in which water could not be supplied?

(iv) If so, what is the area for which remission was granted and the amount so remitted?

5. Has the attention of Government been drawn to resolution No. 14 passed at the first conference of the Bombay mill hands on the 14th December 1919 to the effect that liquor shops, both foreign and Indian, be closed during holidays and that Government be asked to take steps for the early closing at

Mill hands and liquor shops.

Answers.

2. Statements* V and W showing respectively the quantities (i) of ghee and (ii) of butter exported from Bombay to foreign countries on private account and on account of Military Department during each of the four official years 1915-16 to 1918-19 and the first 9 months of the current year are attached.

**Vide* Appendix U.

3. Enquiries are being made.

4. (*a*) The names of the Kalambandi villages are as follows:—

Dhathal,	Pinglaj,
Bherai,	Kanera,
Naika,	Malarpura,
Chanindra,	Pansoli,
Kathwada,	Govindpura (Inam).
Navagam,	

Information regarding extent of land under cultivation and irrigation will be called for.

(*b*) No.

(*c*) Information will be called for.

5. Government have noticed the resolution but do not propose to take any action as country spirit shops in Bombay are already closed during Holi and Moharam holidays and the existing closing hour of 9-30 p.m. was fixed after consideration of all circumstances.

QUESTIONS AND ANSWERS.

[13TH MARCH 1920.] [*Mr. C. V. Mehta; Rao Bahadur V. S. Naik.*]

Questions. *Answers.*

8 p.m. of liquor shops? Will Government be pleased to state what action has been taken in the matter?

THE HONOURABLE RAO BAHADUR V. S. NAIK.

1. With reference to the figures given in columns Nos. 19 and 21 of the statement No. 2 accompanying the latest Municipal taxation and expenditure report or the one for the year 1916-17, will Government be pleased to state separately how much of the amount in column 19 refers to the general water-rate and how much to special water-rate (including rate for taking house connections of water pipes) and how much of the amount in column 21 refers to general conservancy cess and how much to the special conservancy cess (including the cess for cleaning private latrines)?

Municipal Taxes.

[*This question was asked at the meeting held on the 18th September 1919, when an* ad interim *reply was received.*]

1: The information required by the Honourable Member is contained in the accompanying statement*.

* *Vide* Appendix M.

2. (*a*) Will Government be pleased to say whether it is a fact that vaccinators during this and last year were supplied with the same quantity of lymph every week as in the previous years although the number of children to be vaccinated was less and this lymph was usually supplied without previously consulting the vaccinators as to what quantity they might be able to consume and if any quantity was returned unused the vaccinators were invariably fined?

Supply of lymph.

2. (*a*) No. On the contrary owing to the set-back which vaccination work received as a result of the epidemic of influenza, the quantity of lymph supplied in the first quarter of 1919 was on the basis of 31 per thousand of population instead of the usual rate of 41. The Deputy Sanitary Commissioner and his inspectors are in the best position to estimate any change in the requirements of lymph for each area.

(*b*) Will Government be pleased to say on how many occasions during the last six months the vaccinators of Dharwar district have been fined for either returning the vaccine lymph sent to them without full use or for the number of children vaccinated by them being less than in previous year?

(*b*) The accompanying statement† shows the fines inflicted on vaccinators in the Dharwar district during the six months ending November 1919. In no case was a vaccinator fined simply because the number of children vaccinated was less than in the preceding year. Fines were inflicted after repeated warnings and after the Deputy Sanitary Commissioner had satisfied himself that the wastage in lymph was due to laziness on the part of the vaccinators in not doing the vaccination work that was available. The punishment of fines is inflicted only as a last resort.

† *Vide* Appendix K.

(*c*) Will Government be pleased to say whether it is a fact that the vaccinators have represented to the Deputy Sanitary Commissioner, S. D., that as the

(*c*) Vaccinators who do not do their work properly always bring forward the excuse that the number of births is less than normal.

QUESTIONS AND ANSWERS.

[*Rao Bahadur V. S. Naik.*] [13TH MARCH 1920.]

Questions.	*Answers.*
number of births during 1918 and 1919 was less than the average and consequently the number of children for vaccination was also less and thus the usual quantity of lymph supplied to them could not be consumed?	
(*d*) Is it a fact that in spite of this representation in some cases the quantity of lymph sent was increased and in some cases the vaccinators were fined for not consuming the whole quantity of lymph supplied to them?	(*d*) The quantity of lymph was increased in certain areas for purposes of re-vaccination owing to the presence of epidemic small-pox in 1919. As already explained, the non-use of the lymph supplied is not the only criterion on which punishment of fines is inflicted on vaccinators.
3. Will Government be pleased to say if it is a fact that the vaccinators' peons in Dharwar district are not given travelling allowances either fixed or according to the distances travelled by them? (Vaccinators' peons: travelling allowance.)	3. Yes.
4. Will Government be pleased to lay on the Council table the names of the places in which City Survey and Record of Rights have been completed, with the dates on which the records were finally promulgated, but the survey maps of which have not yet been printed? (City Surveys.)	4. The dates of promulgation of the Record of Rights are as under:—
[*These questions were asked at the meeting held on the 10th December 1919, when* ad interim *replies were given.*]	
5. (*a*) Will Government be pleased to say with reference to the announcement made by Government last year regarding the policy of opening 15 Government High Schools in rural areas during the course of these years and the provision of Rs. 1,00,000 made last year to meet the cost of opening 5 such High Schools in the beginning, if the 5 High Schools intended to be opened last year have been opened, and if so in what places? (Rural High Schools.)	5. (*a*) to (*c*) The attention of the Honourable Member is invited to the reply given to a question on the subject put by the Honourable Mr. A. F. I. Pathan.
(*b*) If the 5 High Schools constituting the first instalment of this scheme have not been opened will Government be pleased to state the reasons that have delayed Government in carrying on the scheme and when public can expect these schools to be opened?	
(*c*) If they have made a scheme as to where and in what years to come they wish to open these 15 High Schools?	
6. Will Government be pleased—	6. (*a*) and (*b*) Yes.
(*a*) to obtain from the Central Provinces Government the report of the (Tractor ploughs.)	

1.	Sholapur	... 15th September 1917.
2.	Nasik	... 13th April 1918.
3.	Ranebennur	... 1st June 1918.
4.	Byadgi	... 29th November 1918.
5.	Bhusawal	... 23rd February 1919.
6.	Bagalkot	... 16th April 1919.
7.	Igatpuri	... 4th July 1919.
8.	Yeola	... 12th December 1919.

QUESTIONS ANDANSWERS.

[13TH MARCH 1920.] [*Rao Bahadur V. S. Naik; Mr. R. P. Paranjpye.*]

Questions. *Answers.*

tractor plough competition recently held in the Province and lay it on the Council table or publish otherwise for the information of the agriculturists and people interested in agriculture in this Presidency?

(*b*) To have the report of the tractor plough competition recently held in Central Provinces examined by the agricultural experts of the Presidency as to whether the tractor ploughs and their work will be suitable to the different lands of this Presidency both for deep and shallow ploughing and for removing the weeds in the land and publish the result for the information of the agriculturists and people interested in the development of agriculture in this Presidency?

7. (*a*) Will Government be pleased to say how many of the graduates in each division who entered service in the Revenue Department before 1904 have still remained without getting Mamlat or offices equal in rank to Mamlat? Graduates and Mamlat.

7. Information will be called for.

8. (*a*) Are Government aware that recently large stacks of grass stored by rayots as fodder on their farms near the railway lines and many Gavali huts who have settled for a very long time, some even prior to the introduction of railway, towards the west of Dharwar took fire and were completely destroyed causing damage to the extent of thousands of rupees as the result of engine drivers of the M. & S. M. Railway carelessly and wantonly blowing sparks in the air? Fire caus by engine drivers.

(*b*) Will Government be pleased to make enquiries whether similar damages were caused to the rayots almost every year and collect information for the last 5 years as to on how many occasions the grass stored took fire along the railway lines as the result of sparks being blown from the railway engines and the extent of damage caused on each occasion by such fires and lay the same on the Council table?

8. (*a*) and (*b*) Enquiries are being made.

THE HONOURABLE MR. R. P. PARANJPYE.

1. (*a*) Is it a fact that Mr. Mahadeo Balkrishna Nijsure, Head Master, Mahad School, has been selected for the selection grade of Rs. 75 but that the Mahad Municipality declares its inability to pay him this increase of pay? Mahad School, pay of Headmaster.

1. (*a*) Yes.

QUESTIONS AND ANSWERS.

[*Mr. R. P. Paranjpye.*] [13TH MARCH 1920.]

Questions.	*Answers.*
(*b*) Has Mr. Nijsure applied for a transfer to the District Local Board under which he can get the pay of the selection grade? And if so, what answer has been given to him?	(*b*) The presumption in the concluding portion of the first part (*viz.*, that the master cannot get the pay of the selection grade under a Municipality) is not correct. It has been reported that Mr. Nijsure did not apply personally for a transfer to the District Local Board. Arrangements are, however, being made to transfer him from Mahad to District Local Board service on Rs. 75.
2. Will Government be pleased to say, if the Municipality of Mahad has paid war allowance to its teachers? (Mahad, Municipal war allowances.)	2. It is reported that the Municipality has been paying war allowance to its teachers since November last and that arrangements have been made to enable it to discharge its liability in this respect for the previous period.
3. Will Government be pleased to state— (*a*) Whether any remuneration is given to examiners for High School and Middle Scholarship Examinations (1) for Indians (2) for Europeans? (Scholarship examinations, examiner's fee.)	3. (*a*) This part of the question has already been answered.
(*b*) If so, how much was paid last year to each?	(*b*) In continuation of the reply given at the last meeting, it may be stated that the remuneration paid to each examiner for the High and Middle School Scholarship Examinations for Europeans was as follows :—
[*These questions were asked at the meeting held on the 10th December 1919 when* ad interim *replies were given.*]	
4. Will Government be pleased to say how far the project for the proposed railway from Kudchi (Madras and Southern Mahratta Railway) to Bagalkot viâ Jamkhandi has progressed? (Railway from Kudchi to Bagalkot.)	4. The Chief of Jamkhandi first applied for this line in November 1909. After consulting the Sangli and Kolhapur Durbars the Madras and Southern Mahratta Railway Company was asked to carry out a survey which was sanctioned by the Railway Board in 1911 The project report and estimates were received by this Government in 1913. After consulting Jamkhandi Kolhapur, Sangli and Mudhol Durbars, Government communicated their views as also the terms of Jamkhandi and Sangli regarding financial aid to the Railway Board in 1914. That Board suggested revised terms. Jamkhandi accepted them but Sangli suggested modifications which were however withdrawn subsequently. The other Durbars were not willing to join the scheme.

One	at	Rs.	316	12 0
,,	,,	,,	206	4 0
,,	,,	,,	90	12 0
,,	,,	,,	85	0 0
,,	,,	,,	252	12 0
,,	,,	,,	243	0 0
,,	,,	,,	40	12 0
,,	,,	,,	177	12 0

In August 1916 this Government asked the Railway Board to sanction the construction at least of the western section of the line as early as possible. That Board intimated that for want of materials the construction of that section could not be commenced till after the war.

QUESTIONS AND ANSWERS.

[13TH MARCH 1920.] [*Mr. R. P. Pranjpye.*]

Questions.

Answers.

In March 1917, the Railway Board raised the question whether Raibag should be selected as the junction with the main line and suggested that the question of the water supply at that station should be investigated by the Madras and Southern Mahratta Railway Company. The above suggestion was approved by this Government after consulting the Kolhapur Durbar.

In September 1919 the Agent stated that a reliable supply of water was available at mile 90 on the Poona Branch and he proposed to make Raibag station the junction provided the Durbar was prepared to contribute towards the estimated cost of the watering arrangements to be made there. The Durbar has accordingly been addressed in the matter and its reply is awaited.

5. Will Government be pleased to lay on the table of the Council a list of railway lines in the Bombay Presidency (i) which are under construction, (ii) which have been sanctioned but are not under construction and (iii) those for which schemes have been submitted and are under consideration ?

Railway construction in Bombay Presidency.

5. A list* giving the information required by the Honourable Member is laid on the table.

* *Vide* Appendix C.

6. (i) Is it a fact that for some of the lands acquired by Government for the Belapur Sugar Syndicate, Government paid compensation equal to one hundred times the annual assessment and that now they are offering only sixty times the annual assessment for other lands required for the same syndicate ?

Land acquisition and Belapur Sugar Syndicate.

6. (i) Government have no inform as regards the number of multip the assessment represented by various awards in the acquisitior referred to. But in each case award represents, in the acqı officer's estimate, the market val the land plus 15 per cent. and is aı able to the District Court. No in tions have been issued fetterino

(ii) Is it a fact that Government intend to acquire by means of the Land Acquisition Act more land in the neighbourhood than is actually required by the Belapur Sugar Syndicate ?

7. (*a*) Is it a fact that the revised four years' course for the Engineering degree of the Bombay University was submitted to Government for sanction several months ago ?

Engineering degree course at Bombay University.

7. (*a*) Yes.

(*b*) Is Government going to make arrangements to introduce it from next June in the Engineering College ?

(*b*) The answer is in the negative. The requisite provision for the extra expenditure on account of the revised four years' course has not yet been made in the budget.

8. Will Government be pleased to lay on the table of the Council a statement containing the following information :—

Appointments of European officers.

8. The accompanying statement* furnishes the information asked for.

† *Vide* Appendix V.

QUESTIONS AND ANSWERS.

[*Mr. R. P. Paranjpye.*] [13TH MARCH 1920.]

Questions.

(*a*) The names of the new European officers appointed since the signing of the armistice on November 11th, 1918, to any of the services in the Bombay Presidency on recruitment either in India or in Europe?

(*b*) The scale of salaries granted to them?

(*c*) Whether the appointments have been made to fill actual vacancies or have been newly created?

(*d*) The qualifications of each person so appointed?

Answers.

9. (1) Did the strike of mill-hands of Sholapur begin on 26th January 1920?

Strike of mill-hands: Sholapur.

(2) Is it true that Messrs. Manikchand, Strutton, Khan Saheb Imam, retired police officer, C. I. D., and others formed themselves into a committee to intervene between the mill-hands and the mill-owners at the intance of the Collector?

(3) Is it not true that the second committee consisting of Messrs. V. N. Sathaye, retired deputy collector and honorary first class magistrate, and others along with strikers' representatives of the mill-hands from each mill, was formed to supersede the first committee in the morning of 28th January?

(4) Is it true that Messrs. Manikchand, Samant, Strutton, Laxmi Narayan and Dhumina met at the bungalow of Mr. V. N. Sathaye in the afternoon of 28th January 1920 to confer with the representatives of the mill-hands?

(5) Is it true that during the progress of this meeting at Mr. V. N. Sathaye's bungalow, Mr. Strutton got a letter from the Collector and that the former left the meeting stating that he did not wish to work on the committee?

(6) Is it true that Mr. Manikchand followed Mr. Strutton?

(7) Is it true that Messrs. Manikchand and Strutton saw the Collector in this connection that evening?

(8) Was Mr. V. N. Sathaye sent for by the Collector on 28th January 1920?

(9) Did not Mr. Sathaye visit the Collector late in the evening along with two other gentlemen?

(10) Did not the Collector insult Mr. Sathaye at this interview and threaten him that if he intervened, he would hold Mr. Sathaye responsible for any breach or blood-shed?

(11) Were mill-hands holding large meetings on Hom Maidan up to and inclusive of 15th February 1920?

9. (1) to (42). Information will be obtained.

QUESTIONS AND ANSWERS.

[13TH MARCH 1920.] [*Mr. R. P. Paranjpye.*]

Questions.

Answers.

(12) Is it true that police officers were present at such meetings ?

(13) Is it true that in reply to the petition from the strikers the Collector insisted on Mr. Strutton being elected as one of the representatives ?

(14) Was there any indication of disturbance of peace on the part of mill-hands up to 16th February 1920 ?

(15) Did the strikers walk through the city without creating any disturbance in the morning of the 16th February 1920 ?

(16) Is it true that the mill-hands in the meeting on Hom Maidan swore Hindus by cow and Mahamodans by Kuran not to cause any disturbance or riot or to damage any property ?

(17) What is the distance of the place of tragedy of the 16th of February 1920 from the entrance to the Sholapur mill and what from that to the Narsingirji mill ?

(18) Do buildings exist between this place and the Narsingirji mill ? If so, what is the distance covered by the intervening buildings ?

(19) Did the strikers near the Narsingirji mill throw any stones at the mill on the 16th February 1920 ?

(20) Was any damage done to the mill buildings ?

(21) Did not the strikers near the Sholapur mill compound remain completely peaceful and fully carry out the instructions of Mr. Ellis, the District Superintendent of Police ?

(22) Is it not true that no firing was done there ?

(23) When did Mr. Ellis go to the place of firing ?

(24) Was any firing done subsequently ?

(25) Is it true that the crowd near the Sholapur mill dispersed quietly after Mr. Ellis left for the tragic place ?

(26) Is it true that it was about dark when the last firing was done ?

(27) Is it true that Government telegraph office refused to accept telegrams about firing for some time ? If so, how long and under whose orders ?

(28) Is it true that the District Magistrate and the District Superintendent of Police have made separate reports about the events of 16th February 1920 ?

(29) If so, would Government be pleased to publish them ?

(30) Is it true that those who were killed and wounded on the evening of 16th February 1920, received wounds above the waist and some in the back ?

QUESTIONS AND ANSWERS.

[*Mr. R. P. Paranjpye; Mr. G. K. Parekh.*] [13TH MARCH 1920.]

Questions.	*Answers.*
(31) Is it true that Honorary First Class Magistrate Mr. V. N. Sathaye was present at the inquests held on the dead bodies in the City dispensary on 17th February 1920?	
(32) Is it true that in the case of one dead body the magistrate and the Panch suspected that the wound near the neck was by a sharp instrument and not of bullets?	
(33) Is it true that this dead body was recommended by the Magistrate and the Panch for being sent to the Civil Surgeon for post-mortem examination?	
(34) Was any post-mortem examination made in this case? If so, what opinion the Civil Surgeon gave?	
(35) Were all those who died on account of the injuries received on 16th February 1920 in the evening buried?	
(36) Is it true that Mr. V. N. Sathaye is a magistrate of over 25 years' standing?	
(37) Is it true that the acting City Magistrate who took charge on 17th February 1920 called for all cases pending in the Court of Mr. Sathaye, either on 18th or 19th February 1920?	
(38) Did the acting City Magistrate give any reasons for this order of his? Is it untrue that he took this action at the instance of the Collector and District Magistrate?	
(39) Is it true that the District Magistrate has recommended for the withdrawal of Mr. Sathaye's powers? Has the District Magistrate given any reasons for such recommendation for withdrawal? If so, what are they?	
(40) Has Government noticed the account given in the *Bombay Chronicle* of 26th February 1920 in the matter of mill strike and tragedy at Sholapur?	
(41) Has Government verified the same by independent inquiry? If so, will Government be pleased to publish it?	
(42) Does Government intend to make an independent inquiry in the matter?	
THE HONOURABLE MR. G. K. PAREKH, LL.B.	
1. Will Government be pleased to say— (*a*) Whether in the toddy booth licenses given in the taluka of Olpad of the Surat district the licenses are required to sell toddy at rates not higher than annas three per gallon? Toddy booth licenses.	1. (*a*) Yes; the maximum rate of three annas per gallon is applicable to that portion of the Olpad Taluka which is beyond ten miles from Surat City.

QUESTIONS AND ANSWERS.

[13TH MARCH 1920.] [*Mr. G. K. Parekh.*]

Questions. *Answers.*

(*b*) Will Government be pleased to say what are the average costs under the different heads of a toddy booth licensee who has obtained a license for tapping 25 trees?

(*b*) The expenses incurred in conducting a booth with 25 trees vary greatly. There is a fundamental division into two classes (1) the licensee who owns and taps his own trees and (2) the licensee who employs servants and takes trees on lease. The appended table* gives an estimate of the outgoings under the two classes. The estimate is only approximate.

* *Vide* Appendix FF.

(*c*) Will they be pleased to say what is the average yield of toddy per tree, at what intervals it yields toddy juice, and what is the average period during which a date palm yields toddy?

(*c*) The average yield of toddy per tree may be taken at 32 gallons. This is a rough estimate, the yield of trees varying considerably according to season and the care given to them. The average period during which a date palm yields toddy is three months (March, April and May) after which it is given rest for 21 months before being tapped again.

[*This question was asked at the meeting held on the 10th December 1919 when an* ad interim *reply was given.*]

2. Will Government be pleased to say—

Exportation of cattle.

(*a*) how many cows, bulls and young of cows were sold for export to foreign countries from farms under the management of the Agricultural Department of Government, and

2. (*a*), (*b*) and (*c*) Information has been called for.

(*b*) whether many of the animals sold were fine representatives of the Kankrej and other high caste breeds?

(*c*) to what countries were these animals exported?

(*d*) how many cows, bulls and the young of cows were exported by the steamer *Numidia* which left Bombay on or about the 17th October 1919 and by the steamer *Varzian* which left Bombay on or about the 23rd of December 1919, and

(*d*), (*e*) and (*f*) The accompanying statements* A and B give the information required.

Vide Appendix EE.

(*e*) to what countries were they taken?

(*f*) how many cows, bulls and the young of cows were exported by the steamers that left Bombay about 27th October and 8th November 1919 and 17th January 1920, and to which countries were they taken?

(*g*) whether any of the officers of Government took part or gave assistance in the purchase of animals on behalf of foreign exporters?

(*g*) The information has been called for.

3. Will Government be pleased to say—

Sale of opium: Ahmednagar district.

(*a*) whether after the issue of opium shop licenses for 1918-19 in the Ahmednagar district, Government raised the issue price of opium from Rs. 35 to Rs. 45 per seer?

3. (*a*) and (*b*) No.

QUESTIONS AND ANSWERS.

[*Mr. G. K. Parekh; Mr. A. F. I. Pathan.*] [13TH MARCH 1920.]

Questions.	*Answers.*
(*b*) whether in the Nizam's territories that adjoin the localities of some of these shops there were numerous new opium shops opened which materially reduced the sales of the British territory shops?	
THE HONOURABLE MR. A. F. I. PATHAN.	
1. Will Government be pleased to state—	1. (*a*) (*b*) (*c*) (*d*) and (*e*) The accompanying statement* gives the information required by the Honourable Member.
(*a*) The number of Urdu schools in each Division of the Presidency proper and the number of pupils attending them—the numbers in each division to be given separately?	**Vide* Appendix Z.
Urdu Teaching.	
(*b*) The number of trained and untrained Urdu teachers in each division—the number of 1st year, 2nd year and 3rd year trained to be given separately?	
(*c*) The number of Mahomedan pupils that appear with Urdu and pass in the Vernacular Final examination in each division?	
(*d*) The number of Mahomedan pupils that appear from each division for the Training College entrance examination and the number of such pupils admitted in the Training Colleges?	
(*e*) The number of non-Urdu primary schools in each division and the number of pupils attending them and also the number of trained and untrained teachers in these schools?	
2. (*a*) Is it a fact that a training school has been opened at Bijapur and that such other schools are to be opened in every other district of the Presidency?	2. (*a*) This part of the question has already been answered.
Training Colleges.	
(*b*) If so, has any arrangement been made or going to be made in any of these schools for Mahomedan primary schools in the Southern Division?	(*b*) Separate arrangements have not been made in the District Training Schools for the training of teachers for Mahomedan Primary Schools. Mahomedans are being admitted to these schools on the same terms as other teachers. A special class for Urdu mistresses is being opened at Hubli.
3. Is it true that the President of the Hubli Municipality has not recently been calling meetings in compliance with written requests made to him under section 26, clause (2), of the District Municipal Act?	3. In all four requisitions, two dated 13th July 1917 and 4th September 1917, respectively, in 1917-18, and two dated 1st August 1918 and 5th August 1918, respectively, in 1918-19 were received. In response to the two requisitions of 1917-18 special general meetings were called on 20th July 1917 and 12th February 1918, respectively. With regard to the third requisition (*i.e.*, the first of 1918-19) the President reports that the
Municipality, Hubli.	

QUESTIONS AND ANSWERS.

[13TH MARCH 1920.] [*Mr. A. F. I. Pathan.*]

Questions.

Answers.

subjects 1, 2 and 3 mentioned in the requisition were disposed of in the quarterly general meeting held on 12th August 1918 and subjects 4, 5 and 6 were disposed of in the adjourned quarterly general meeting held on 16th August 1918. The fourth requisition (*i. e.*, the second of 1918-19) was only a reminder of the third.

[*This question was asked at the meeting held on the 23rd September 1918 when an* ad interim *reply was given.*]

4. Will Government be pleased to state—

(*a*) The number of candidates in the Ahmedabad and Poona Urdu Training classes respectively showing the number of candidates from each division in the 1st year and 2nd year classes separately?

Urdu Training Classes.

(*b*) The cost—recurring and non-recurring—of each of these training institutions?

4. (*a*) and (*b*) The accompanying statement* gives the information required by the Honourable Member.

* *Vide* Appendix L.

5. Will Government be pleased to state the number of Assistant Deputy Educational Inspectors now attached to each district in the Presidency proper and the number of Mahomedan Assistant Deputies attached to each district?

Mahomedan Educational Inspectors.

5. The information required by the Honourable Member is contained in the accompanying statement.†

† *Vide* Appendix D.

6. Will Government be pleased to state—

(*a*) the number of non-Urdu primary schools that existed in each district in 1887-1888 and the number of pupils attending them?

Urdu Statistics, 1887-88.

(*b*) the number of Urdu schools that existed in each district in 1887-1888 and the number of pupils attending them?

(*c*) the number of Assistant Deputy Educational Inspectors attached to each district in 1887-1888 and the number of Mahomedan Assistant Deputies attached to each district in 1887-1888 or 1888-1889?

6. (*a*) (*b*) *and* (*c*) The accompanying statement‡ gives the information required by the Honourable Member.

‡ *Vide* Appendix W.

[*These questions were asked at the meeting held on the 10th December 1919 when* ad interim *replies were given.*]

7. Will Government be pleased (*a*) to state when Mr. A. C. Miller is expected to return and to start the Scout System in the secondary schools of this Presidency?

Scout system in secondary schools.

7. (*a*) to (*c*) Mr. Miller is expected to return to India by the middle of March 1920. No definite scheme has, however, been formulated for the introduction of the Boy Scout System in secondary schools in this Presidency pending the final orders of the Government of India on the whole question and no provision has accordingly been made on this account in next year's budget.

QUESTIONS AND ANSWERS.

[*Mr. A. F. I. Pathan.*] [13TH MARCH 1920.]

Questions.	*Answers.*
(*b*) To state what amount, if any, has been proposed to be set apart in the next year's budget for the purpose of introducing it?	
(*c*) To lay on the Council table a copy of the proposed scheme?	
8. Will Government be pleased—	
(*a*) to state how far matters have proceeded in the matter of granting war allowance to Government servants drawing salaries above Rs. 100 and of revising the percentage of the war allowance now granted? War allowances to Government servants.	8. (*a*) The scheme has been sanctioned and orders of this Government are being issued.
(*b*) to lay a copy of the proposed scheme on the Council table?	(*b*) A copy of the Order will be supplied to the Honourable Member when issued.
9. Will Government be pleased to state when and where they propose to start the new high schools for which a provision was made in the last budget and why there has been so much delay in materialising this scheme? New High Schools.	9. A lakh has been provided in next year's budget for the purpose and five schools will be opened as soon as possible. Their exact location has not yet been decided upon. The delay has been due to the fact that Government have had their secondary education policy under consideration.
10. Will Government be pleased (*a*) to state when they expect to introduce the time-scale pay of secondary teachers? Improved pay to educationists.	10. (*a*) The attention of the Honourable Member is invited to part (*a*) of a question on the subject put by the Honourable Mr. S. B. Upasani at the meeting of the Legislative Council held in March 1919. The sanction of the Secretary of State, which has been applied for through the Government of India, is still awaited.
(*b*) To state if it is a fact that the graduates of the Educational Department have memorialised the Government for bettering their prospects?	(*b*) and (*c*) No such memorial has been received by Government but enquiries are being made of the Director of Public Instruction.
(*c*) To lay a copy of the memorial on the Council table?	
11. (*a*) Is it not a fact that village branch post offices are entrusted to the charge of such village schoolmasters as are recommended to the postal authorities by the Educational Inspector or the Deputy Educational Inspectors and that these schoolmasters get an allowance for the postal work that they do? Village schoolmasters and village post offices.	11. (*a*) Yes.
(*b*) If so, what is the maximum and minimum monthly allowance that is given to such schoolmasters for postal work and the net income of each of the branch offices in the charge of schoolmasters?	(*b*) Information is being called for from the Director of Public Instruction.
(*c*) Will Government be pleased to place on the table a statement for the Presidency proper, showing the villages in each district where postal work has been entrusted to schoolmasters, and	(*c*) As the preparation of the statement giving the information called for by the Honourable Member will involve too much time and labour, Government are not prepared to call for the statement.

QUESTIONS AND ANSWERS.

[13TH MARCH 1920.] [*Mr. A. F. I. Pathan.*]

Questions.	*Answers.*
the religion and qualifications, period of service and pay of each of such schoolmasters as are getting postal allowance and the amount of postal allowance each gets ?	
12. Is it a fact that the Forest Department used to allow people to take away wood fuel from the forests under what was called the Permit System at the rate of 4 annas per cart load and 4 pies per head load and that the system has now been abolished ? Permit System and wood fuel.	12. The Honourable Member is referred to the answer to Question No. 9 put by the Honourable Mr. Belvi at the meeting of the Legislative Council held on 29th July 1918.
13. (*a*) Is it a fact that the Forest Department has opened several fuel depôts in the Kanara District ? Government fuel depôts; district Kanara.	13. (*a*) Yes.
(*b*) If so, will Government be pleased to state how long have these depôts been in existence, the places where they have been opened, the cost of establishment and other expenditure of each of these depôts and the net profits realised each year from these depôts for the last five years and to state further whether the local forest contractors cannot supply the demand for fuel at the places where depôts have been opened ?	(*b*) Information has been called for.
14. (*a*) Is it a fact that the power to make appointments of Rangers and to give them promotions, which the Conservators used to exercise in their respective circles, has now been vested in the Chief Conservator of Forests ? Appointments and promotions; Forest Department.	14. (*a*) Yes.
(*b*) If so, will Government be pleased to state whether a list of Rangers for the whole Presidency has been made or is going to be made for regulating the said appointments and promotions ?	(*b*) Yes.
(*c*) If the answer to question (*b*) is in the affirmative, will Government be pleased further to state the principles on which the appointments and promotions are proposed to be regulated ?	(*c*) For the appointment of Rangers the Honourable Member is referred to Government Notification No. 1540, dated 17th February 1913, published in the *Bombay Government Gazette* of the 20th idem. No special principles have been prescribed for their promotion.
15. (*a*) Has the attention of Government been drawn to the letter written by a "passenger" and published in the *Bombay Chronicle* issue of 16th January 1920 ? Grievances of railway passengers, Belgaum.	15. (*a*), (*b*), (*c*), (*d*), and (*e*) Attention is invited to the replies given to Questions Nos. 17 and 18 asked by the Honourable Mr. D. V. Belvi, LL.B.
(*b*) If so, will Government be pleased to state what steps, if any, have been taken to inquire into and redress the grievances of the railway passengers complained of in the letter?	

QUESTIONS AND ANSWERS.

[*Mr. A. F. I. Pathan.*] [13TH MARCH 1920.]

Questions.	*Answers.*
(*c*) What is the number of third class and platform tickets issued, on an average, every day at the Belgaum station?	
(*d*) Is it true that a third class passenger is not allowed to enter the platform of the Belgaum station before the actual arrival of the train unless he obtains and produces a platform ticket in addition to his 3rd class ticket?	
(*e*) Is it true that the 3rd class passenger has had to put up with great inconvenience and trouble in getting his ticket at the Belgaum station, and that this is due to Belgaum being the Military Cantonment, and if so, is it proposed to have an additional Railway station at Belgaum for the Military and a booking office in the Belgaum City as in Hubli and Poona?	
16. (*a*) Is it true that intermediate class passengers are provided with seats only in the mail train on the M. S. M. Railway, and if so, what is the total number of intermediate seats provided in the mail train?	16. (*a*), (*b*), (*c*) and (*d*) Enquiries are being made.
Grievances of railway passengers; intermediate class.	
(*b*) What is the average number of intermediate passengers travelling from Bangalore and intermediate stations to Poona every day?	
(*c*) Is it true that the number of intermediate passengers far exceeds the number of seats provided for them, and if so, does the railway company propose to increase the accommodation for such passengers in the mail train or to provide seats for them in the passenger trains?	
(*d*) Is it true that the intermediate passengers are obliged to purchase their tickets at the 3rd class booking window and have consequently to put up with the same inconvenience and trouble as the 3rd class passengers in big stations, despite the fact that they pay double the 3rd class fare? And if so, does Government propose to take any steps to redress this grievance of the intermediate passengers?	
17. (*a*) Will Government be pleased to state what steps have been taken for reducing the cost of litigation in the Town and Island of Bombay?	17. (*a*) Government called for the opinions of certain public bodies on the subject, and the matter is at presen under the consideration of Government.
Cost of litigation in Bombay.	
(*b*) Is it a fact that the High Court of Judicature at Bombay has recently, with a view to reduce the expenses of litigation, introduced a new rule of practice, *viz.*, that in suits of the value	(*b*) Yes.

QUESTIONS AND ANSWERS.

[13TH MARCH 1920.] [*Mr. A. F. I. Pathan.*]

Questions.	*Answers.*
of Rs. 5,000 and below, only one counsel should be engaged excepting such cases in which the Judge in Chambers certifies that the engagement of two or more counsel is necessary?	
(*c*) If so, is it not true that this new rule, instead of remedying the evil, really adds one more item to the bill of the Solicitor in consequence of a separate hearing before a Chamber Judge as to whether in a particular case two or more counsel should or should not be engaged?	(*c*) Proceedings in Chambers under rule 504-A of the Rules and Forms of the Bombay High Court, 1909, are hardly ever taken.
18. Will Government be pleased to state—	18. (*a*) Government are not in possession of the statistics necessary to answer this question.
(*a*) Whether it is not a fact that the institution of attorneys entails an enormous and prohibitive cost on a greater number of litigants in Bombay? Expensive attorneys.	
(*b*) Whether it is not the widespread desire of the public that the pleaders may be allowed to appear on the Original Side of the Bombay High Court?	(*b*) Government are aware that various bodies have expressed themselves in favour of such a step.
(*c*) Whether it is not a fact that pleaders are allowed to appear on the Original Side of the High Court at Madras?	(*c*) Government have no information.
(*d*) Whether Government have ever moved in the matters touched in sub-questions (*a*), (*b*) and (*c*) above, and if so, when and what were the steps taken and what was the result?	(*d*) The attention of the Honourable Member is directed to the resolution moved by the Hon'ble Mr. R. P. Paranjpye in the Legislative Council on 15th March 1916 and accepted by Government. In accordance with that resolution Government approached the High Court who stated that they were unable to alter rule 40 of the Rules and Forms of the Bombay High Court.
19. With reference to Government Order No. 2703 of 3rd November 1917 (Educational Department) will Government be pleased to state if all or any of the recommendations, made by the Committee appointed by Government to consider the question of the organization of the Government Law School at Bombay and accepted by Government in the said Order, have been so far carried out? And if not carried out, what are the reasons for the delay in giving effect to them? Recommendations of Government Law School Committee.	19. Of the recommendations accepted by Government in the Order quoted by the Honourable Member the only one to which effect has not yet been given is that for the provision of residential quarters for the students of the Law School on a self-supporting basis. As regards the reasons for the delay, the attention of the Honourable Member is invited to the reply given at the meeting of the Legislative Council held in December 1919 to part (*a*) of Question No. 12 put by the Hon'ble Mr. D. V. Belvi. The matter will again be considered in due course.
20. (*a*) Have Government received any memorials from the Assistant Deputy and Deputy Educational Inspectors and from the Revenue Clerks' District Association at Dharwar praying for improvement of pay and prospects? Memorials from Dharwar.	20. (*a*) The reply to the first part of the question is in the negative and that to the latter part is in the affirmative.

QUESTIONS AND ANSWERS.

[*Mr. A. F. I. Pathan.*] [13TH MARCH 1920.]

Questions.	*Answers.*
(*b*) If so, will Government be pleased to place copies of the memorials on the table and to state what steps is it proposed to take for redressing the grievances of the memorialists?	(*b*) The whole question of pay and prospects of clerical establishment is now under the consideration of Government. A copy of the memorial* from the Revenue Clerks' District Association, Dharwar, is appended herewith. * *Vide* Appendix AA.
21. Will Government be pleased to state when they are going to give effect to the scheme revising the pay of secondary teachers and Assistant Deputy Inspectors, and whether this scheme will have retrospective effect from April 1919? (Improved pay for educationalists.)	21. With reference to the first part of the question, the Honourable Member's attention is invited to the reply given to his Question No. 10. With reference to the latter part of the question the Honourable Member is informed that it has been suggested by this Government to the Government of India that the scheme may be brought into operation from 1st January 1920.
22. (*a*) Is it a fact that the Assistant Deputy Educational Inspectors are required to be on tour throughout the year within their beats and that they have had no headquarter station except the district town where they are consequently obliged to keep their families? (Assistant Deputy Educational Inspectors.)	22. (*a*) and (*b*) Enquiries are being made.
(*b*) If so, what are the facilities or concessions given to them for leaving their beats for the district town off and on to have a look into their family affairs?	
23. Will Government be pleased to state how far they have hitherto progressed with the proposals accepted by them in their Order no. 1075 (Educational Department) of 22nd March 1919, passed on the report of the Director of Public Instruction, regarding the recommendations of the Committee appointed by Government to consider the subject of the promotion of Mahomedan education? (Recommendations of the Committee on Mahomedan education.)	23. The Honourable Member's attention is invited to the accompanying statement* which indicates the further progress made with regard to the proposals in question. * *Vide* Appendix CC.
24. (*a*) Will Government be pleased to state if they have received any proposal for starting the school of medicine, already proposed to be started at Dharwar, in Belgaum or some place other than Dharwar? (Proposed medical school: Dharwar.)	24. (*a*) and (*b*) Yes; a proposal of the letter referred to has just been received and the matter is under consideration. Government are not therefore prepared at present to make the grounds urged in support of the new proposal public.
(*b*) If so, what are the grounds given in support of the proposal and have the Government come to any decision?	
25. (*a*) Is it a fact that a portion of the building constructed for the Royal College of Science at Bombay has been let out to Messrs. Thomas Cook and Son for purposes of a hotel? (Royal College of Science, Bombay.)	25. (*a*) and (*b*) No portion of the building has been let out to Messrs. Thomas Cook and Son. Part of the building is however being temporarily utilised for the accommodation of passengers under the management of that firm pending the completion of the building. This arrangement will cease when the building is ready to be handed over to the Educational Department.
(*b*) If so, will Government be pleased to place on the table papers relating to the transaction?	

QUESTIONS AND ANSWERS.

[13TH MARCH 1920.] [*Mr. Phiroze C. Sethna*; *Mr. Purshotamdas Thakurdas.*]

Questions. *Answers.*

THE HONOURABLE MR. PHIROZE C. SETHNA, O.B.E.

1. Will Government be pleased to state if 10th January 1920 which according to the London *Gazette* is fixed as the date of termination of the war between Britain and Germany will also be reckoned as the date for the purpose of section 1 (4) of Bombay Act No. II of 1918 (Bombay Rent War Restrictions Act) and also of section 1 (2) of Bombay Act No. VII of 1918 (Bombay Rent War Restrictions No. 2 Act)?

Date of termination of the War Bom. Act II of 1918: Bom. Act VII of 1918.

If not, will Government be pleased to state what date is to be reckoned for the purposes of the sections in the Acts referred to above?

1. By Government Notifications, Revenue Department (War Purposes Branch), Nos. 3381 and 3382, dated 18th August 1919, it has been declared that the Rent Acts II and VII of 1918 will remain in force for a period of two years after the date of the termination of the war as determined by clause (1) of section 2 of the Termination of the present war (Definition) Act 1919 (V of 1919). No official intimation of the declaration of such date has reached this Government and in its absence it cannot be said what date should be reckoned.

THE HONOURABLE MR. PURSHOTAMDAS THAKURDAS, C.I.E., M.B.E.

1. (*a*) Will Government be pleased to place on the table a statement showing the number of fairs at Pandharpur, Dakore and other pilgrimage centres (Hindu and Mahomedan) in the Bombay Presidency for which the required additional railway service was not made available owing to exigencies of the war during the years 1915-16 to 1918-19?

Pilgrimages: Railway Facilities.

1. (*a*) The required additional railway service was made available in the case of all fairs held at pilgrimage centres in the Bombay Presidency during the years 1915-16 to 1918-19 with the exception of the Ashadi and Kartiki fairs at Pandharpur. In the latter case, additional passenger trains were not run owing to the exigencies of the war but sufficient special trains were run to clear all the passengers who in spite of the restrictions on the issue of tickets managed to find their way to the fairs.

(*b*) Will Government be pleased to say for how many racing seasons at Poona during these same years race specials were not run?

(*b*) During this period no race special between Bombay and Poona was cancelled.

2. Will Government be pleased to put on the table a statement showing the average variation (if any) in prices of text-books used in Government Primary, Secondary and High Schools during the years 1915-16 to 1918-19?

Education: Price of Text Books.

2. The information required by the Honourable Member is contained in the accompanying statement.* The figures given therein are merely approximate and based upon information readily available.

* *Vide* Appendix DD.

3. (*c*) Will Government be pleased to put on the table a statement showing exports of ghee including exports on account of the Military Department from Bombay during the years 1913-14, 1916-17 and 1917-18 and during the period 1st October 1919 to 30th October 1919?

Ghee exports.

3. (*c*) The information required by the Honourable Member is contained in the accompanying statement.*

* *Vide* Appendix E.

QUESTIONS AND ANSWERS.

[*Mr. Purshotamdas Thakurdas.*] [13TH MARCH 1920.]

Questions.

Answers.

4. (*d*) Will Government be pleased to put on the table a statement showing the *actual* retail prices of Big Mill Special rice in the City of Bombay and at important places in the Thana and Surat Districts during last September and during the current month?

Food grain supplies.

[*These questions were asked at the meeting held on the 10th December 1919 when* ad interim *replies were given.*]

4. (*d*) A statement of actual retail prices of Big Mill Special rice in Bombay during September and November 1919 was placed on the Council Table at the last meeting. Similar statements* for Thana and Surat Districts are attached.

* *Vide* Appendices F and G.

5. (*a*) Will Government be pleased to say whether they have started any scheme of fodder storage as a protection against poor fodder crops in the future, and

Fodder storage by Government.

(*b*) If so, will Government be pleased to put on the table a statement giving details of the same?

5. (*a*) and (*b*) The Honourable Member's attention is invited to Press Note No. 419, dated 11th February 1920, wherein Government have fully described the scheme for the storage of fodder.

6. (*a*) Will Government be pleased to say if they have proceeded with a systematic survey of suitable spots where green fodder can be grown by pumping water from rivers in years of scanty rainfall, and

Survey for green fodder.

(*b*) If so, will Government be pleased to put on the table a report of the progress thus made up to date?

6. (*a*) A copy* of the Government Order on the subject is appended.

No. 720, dated 1st March 1920.

* *Vide* Appendix BB.

(*b*) Further details are not yet available.

7. With reference to Appendix H printed in the list of Questions and Answers at the Legislative Council Meeting of 10th December 1919, from which it appears that 402 applications for the use of boring apparatus could not be complied with by the Agricultural Department owing to the limited number of machines and staff at the disposal of the Agricultural Engineer to Government—

Shortage of boring plant.

(*a*) Will Government be pleased to say if this shortage of machines and staff is being remedied and if so,

(*b*) Will Government be pleased to state the extent to which the same is being remedied?

7. (*a*) and (*b*) Arrangements for training mechanics for boring machines are in progress. Until trained mechanics are available, it is useless to purchase more boring machines.

8. (*a*) Is it a fact that in slaughter houses in the Presidency, there are no restrictions against the slaughter of young milch-cattle of useful breed?

Slaughter of cattle.

(*b*) Will Government be pleased to put on the table a statement showing the average age of the milch-cattle slaughtered at big slaughter houses such as Bombay, Bandra, Poona, Ahmedabad and Belgaum during the last two years?

8. (*a*) and (*b*) Government have no information on the subject. It is being obtained.

QUESTIONS AND ANSWERS.

[13TH MARCH 1920.] [*Mr. Purshotamdas Thakurdas.*]

Questions. *Answers.*

9. (*a*) Will Government be pleased to say what progress has been made regarding the selection of a suitable site for housing the Sydenham College of Commerce?

Housing of Sydenham College of Commerce.

(*b*) Pending a suitable building being ready, will Government be pleased to state if it is feasible to house the Sydenham College of Commerce in the Science Institute Building, where up to now accommodation has been found for non-educational institutions?

9. (*a*) The plot of land immediately behind the Royal Institute of Science, forming the chord to the arc of the Institute buildings has been selected for the construction of the proposed building of the College.

(*b*) It is not feasible.

10. (*a*) Will Government be pleased to put on the table a statement showing the amounts (if any) paid to contractors with Government in any of its departments in the years 1917-18, 1918-19, 1919-20 in excess of rates or terms fixed in contracts with such contractors?

Excess payments to contractors.

(*b*) If any such amounts have been paid, will Government be pleased to state the reasons for payment of such excess amounts in each case?

10. (*a*) and (*b*) The information will be called for.

11. (*a*) Is it a fact that the following dacoities occurred in the Surat district during the current year?

Dacoities: district Surat.

(1) About the beginning of February in taluka Olpad, village Mandroi, the house of a bania named Nemchand was attacked after dark by dacoits. The said bania was shot dead and a Musalman neighbour of his was similarly shot dead on his interfering.

(2) About the beginning of January last at taluka Olpad, village Ubhda, a Brahmin's house was attempted to be looted and the Brahmin, the village patel and the latter's son were severely wounded.

(3) In taluka Chorasi, village Bhedwad, about 5 in the afternoon in the beginning of February 1920, kanbis from village Vanz were looted on the high way and all the property that was in the carts was carried away.

(*b*) If the reply to (*a*) be in the affirmative, will Government be pleased to say if the culprits in all the three above cases have been traced, and if so, will Government be pleased to state how many days after each crime the culprits were traced?

(*c*) If the reply to (*a*) be in the affirmative, will Government be pleased to state what precautions they have taken to prevent similar raids by dacoits here-

11. (*a*), (*b*) and (*c*) Information has been called for.

QUESTIONS AND ANSWERS.

[*Mr. Purshotamdas Thakurdas; Mr. S. B. Upasani.*] [13TH MARCH 1920.]

Questions. *Answers.*

after and to inspire confidence in the villagers in these parts of the Surat district?

THE HONOURABLE MR. S. B. UPASANI.

1. (*a*) Will Government be pleased to state whether it is fact that the Agent, G. I. P. Railway, has recently passed an order forfeiting the retiring gratuity in the case of the Railway employees who were absent from duty during the last strike of the workmen of the G. I. P. Railway workshops at Matunga and Parel?

Railway Strike. Retiring Gratuities.

(*b*) If so, will Government be pleased to state what would be the total loss to the workmen as a result of this order?

(*c*) Will Government be pleased to state whether it is not a fact that absence from duty during the last strikes was condoned by the B. B. and C. I. and the Postal Authorities in the case of their employees for the purpose of the retiring gratuity?

1. (*a*) and (*b*) The reply is in the negative.

In this connection the attention of the Honourable Member is invited to the orders governing the grant of gratuities on retirement to subordinate State Railway employees, which are summarised in paragraph 3 of the enclosure to the Railway Board's letter No. 254—F.-16, dated 20th July 1917, extract* attached.

* *Vide* Appendix H.

(*c*) No strike occurred on the B. B. and C. I. Railway in January 1919, the time of the last strike on the G. I. P. Railway.

As regards the postal employees, the Director General, Posts and Telegraphs, ordered that the period during which the overseers and the other postmen remained absent from duty during the last strike should be treated as passed under suspension, and although for that period they were not allowed to draw any subsistence allowance he decided that it should count towards leave and pension.

2. (*a*) Will Government be pleased to state the reasons why municipalities are not allowed to try the experiment of introducing the first three English standards in their own vernacular schools?

English in Vernacular Schools.

(*b*) Will Government be also pleased to state why no Marathi school in East Khandesh or West Khandesh was selected for the experiment?

2. (*a*) This part of the question has already been answered.

(*b*) As the experiment was to be tried in twenty villages in the whole Presidency, it was proposed to open only five classes in each division, one of them being attached to an Urdu Primary School in Central and Southern Divisions. It was therefore necessary to omit two of the seven districts in the Central Division. In the circumstances the East and West Khandesh districts were considered as one unit for the purpose of the experiment. The Urdu Primary School at Nasirabad in East Khandesh was considered to be the most suitable Urdu School in Central Division for the purpose of attaching English classes; hence no Marathi School could be selected from either of the Khandesh Districts.

(*c*) Did the people of Pimpalner and Nawapur in West Khandesh apply for

(*c*) This part of the question has already been answered.

QUESTIONS AND ANSWERS.

[13TH MARCH 1920.] [*Mr. S. B. Upasani.*]

Questions. *Answers.*

introduction of the experiment in their schools and offer to pay the required additional charge for it, and if so why was their request not granted?

3. Is it a fact that the District Local Board of Poona has not yet removed the toll bar between Poona and Alandi, and if so will Government be pleased to state when it will be done?

Poona-Alandi Toll.

3. The toll bar has not yet been removed. Government propose to abolish, with effect from the 1st April 1920, tolls on all those local board roads in the Presidency on which they are levied at present; and the requisite provision has been made in next year's budget for the payment of compensation to the district local boards concerned for such abolition. This proposal will be carried into effect if the provision is retained in the budget as finally passed.

4. (*a*) Is it a fact that there has been irregular working of the goods trains on the G. I. P. Railway under the newly introduced system of heavy load trains?

G. I. P. Goods Trains.

4. (*a*) The answer is in the negative.

(*b*) Is it true that single engines are not able to work these trains and additional engines have to be attached and detached in several places at intermediate stations on the line?

(*b*) In order to carry a heavier traffic between Bhusaval and Igatpuri goods trains have been worked in heavier units than in the past and over the graded sections of the line a banking engine is attached.

(*c*) What was the usual scheduled time allowed for the run of goods trains between Bhusaval and Nandgaon and what average time is now required for the run since the heavy load train system was introduced?

(*c*) The running time of goods trains between Bhusaval and Igatpuri has been increased recently more on account of the depreciated condition of our locomotives as a result of conditions arising out of the war than on account of the increased load. The average scheduled running time between Bhusaval and Nandgaon is now 11 hours 15 minutes as against 8 hours 30 minutes in 1918.

[*These questions were asked at the meeting held on the 10th December 1919, when* ad interim *replies were given.*]

*5. Will Government be pleased to state if the examination of the industrial and economic condition of the several parts of the Presidency undertaken by the Director of Industries, has been completed with reference to any district and, if so, will the results thereof be laid on the Table?

Industrial and Economic Survey.

5. The Honourable Member is referred to the reports of the Department of Industries for 1917-18 and 1918-19.

*6. Has the Director of Industries drawn up any scheme for the extension and improvement of industrial education in the Presidency and, if so, will the same be placed on the Table?

Industrial Education.

6. The general question of industrial education is under consideration.

*7. (*a*) Will Government be pleased to lay on the table the scale of fees at which licensed

Stamp Vendors' fees.

7. (*a*) The scale† of fees is laid on the Council Table.

† *Vide* Appendix I.

*These questions were asked at the meeting held on the 10th December 1919. The answers to it were not then ready.

QUESTIONS AND ANSWERS.

[*Mr. S. B. Upasani; Mr. Harchandrai Vishindas.*] [13TH MARCH 1920.]

Questions.

stamp vendors are paid for sale of judicial and non-judicial stamps?

(*b*) What is the total number of licensed stamp vendors in the several districts in the Presidency and what was the total number of judicial and non-judicial stamps sold by them during the last official year and the average amount of fee per head earned by them?

Answers.

(*b*) The Honourable Member is referred to statements IV at pages 7 and 14 of the Report of the Stamp Departments in the Bombay Presidency and Sind for the year ending 31st March 1919. Information as to the number of stamps sold is not available. The average of fees earned in 1918-19 was Rs. 156·3 in the Presidency proper and Rs. 68·9 in Sind.

THE HONOURABLE MR. HARCHANDRAI VISHINDAS.

1. Will Government be pleased to state whether it is true—

Supersession of a Police Inspector.

(*a*) That Mr. Udharam Gopaldas, Inspector of Police, in charge Nowshahro Circle in the Nawabshah District, Sind, has had his promotion stopped since 1916 and has been superseded by several of his subordinates, and is it a fact that at one time his services were considered so meritorious as to result in his being made to supersede several officers?

1. (*a*) It is the fact that Mr. Udharam Gopaldas had not been promoted since 1916, but there is no information to show that any one of the three officers who have superseded him since then was ever his subordinates. It is the fact that at the time that he was promoted to the rank of Inspector ten years ago, there were certain Sub-Inspectors senior to him who were not considered fit for such promotion and whom he accordingly superseded.

(*b*) that at first the instance of neglect alleged against him was that he had connived at the delay made by the Sub-Inspector in charge of the Chak Police Station in the investigation of a petty theft of wood?

(*b*) No. The correct facts are that ten months after the decision that his promotion should be suspended had been arrived at, the District Magistrate, on the occasion of his inspection of the records of the Chak Police Station, made a note to the effect that Mr. Udharam was blameworthy in that he had connived at the delay in the investigation of the theft in question.

(*c*) That the said charge was satisfactorily explained by Mr. Udharam by proving that the delay was due to the District Superintendent of Police ordering the Sub-Inspector concerned to await the result of the enquiry pending before the Mukhtyarkar respecting the ownership of the property in question?

(*c*) It is the fact that the District Superintendent of Police reported that in his opinion Mr. Udharam did not deserve the reprimand conveyed in the District Magistrate's note.

(*d*) that after the aforesaid charge was held disproved by the District Superintendent of Police, another charge was brought against Mr. Udharam by the Deputy Inspector General that he had failed to bring to the notice of the District Superintendent of Police the bad work of Sub-Inspector Ghullam Hussein Sahibali of Chak Police Station in the Shikarpur Circle, who held that charge from September 1917 to September 1918 and further that he (Mr. Udharam) failed to inspect Chak Police Station between 11th September 1917 and 5th April 1918?

(*d*) and (*e*) No such charges were formally preferred against Mr. Udharam. What happened was that, on receipt of Mr. Udharam's explanation in regard to the District Magistrate's note the Deputy Inspector General of Police for Sind in a memorandum which was communicated to Mr. Udharam, observed that in his opinion the latter did not know much about what was going on in his circle, enquired about his quarterly inspections, and stated that he was not fit for promotion. Mr. Udharam thereupon addressed a petition to the Commissioner asking for the cancellation of these remarks. In this document, however, he confined himself to rebutting the original charge

(*e*) that this charge was also satisfactorily explained by Mr. Udharam by stating that he was transferred from

QUESTIONS AND ANSWERS.

[13TH MARCH 1920.] [*Mr. Harchandrai Vishindas.*]

Questions.	*Answers.*
the Shikarpur Circle to Upper Sind Frontier in October 1917 and that he visited the Chak Police Station on 11th September 1917?	of connivance at the delay in investigating a theft-case. The Deputy Inspector General of Police forwarded the petition with a letter in which he reported that on receipt of Mr. Udharam's original explanation he had arrived at the conclusion that that officer had omitted to bring to notice the bad work of the Sub-Inspector under him and had failed to inspect the Chak Police Station between the dates specified. The petition was recorded. It is the fact that Mr. Udharam was transferred to another charge with effect from October 1917 and that he inspected the Chak Police Station in September 1917.
(*f*) That the Sub-Inspector Ghulam Hussein, with not reporting whose bad work Mr. Udharam was charged, was subsequently confirmed in his appointment by the same Deputy Inspector General?	(*f*) The Sub-Inspector had been confirmed prior to any of these transactions.
(*g*) That Mr. Udharam represented to the Government that if the treatment accorded to him was due to the Home Rule activities of his son from the year 1916, he was not responsible for the same, that his son was beyond his control being a medical practitioner and a man of independent means and impervious to his discussions?	(*g*) No.
(*h*) Will Government be pleased to place on the Council table all the correspondence on the subject?	(*h*) Government do not propose to lay the correspondence on the Council table.
2. Will Government be pleased to state if it is true—	
(*a*) that there are 39 posts of Police Inspectors in Sind?	2. (*a*) Yes.
Appointment of Police Inspectors.	
(*b*) that the said appointments are filled up from among European sergeants and Indian Sub-Inspectors, *i.e.*, 9 from among sergeants and 27 from among Sub-Inspectors?	(*b*) Yes. With the exception of direct appointments of Indian Inspectors. There are four such at present.
(*c*) that the number of European sergeants from among whom 9 posts are filled up is 12, and the number of Indian Sub-Inspectors from among whom 27 posts are filled up is 196?	(*c*) Yes. The nine posts filled by promotion from sergeants are at places where the presence of European Inspectors is considered necessary.
(*d*) that before being promoted to the post of Inspectors, European sergeants are not assigned any investigation work?	(*d*) European sergeants are responsible only for minor cases, but they have facilities for learning investigation work under the tuition of the Inspectors and Sub-Inspectors.
(*e*) that the post of Deputy Superintendents of Police are filled up from among last grade Inspectors?	(*e*) Posts of Deputy Superintendents of Police are filled up from any grade of Inspectors, the best men being appointed.
(*f*) that senior Inspectors are greatly dissatisfied with this procedure?	(*f*) Inspectors who are superseded are doubtless dissatisfied. That is, however no reason for sacrificing the public interest by promoting men of inferior qualifications.

QUESTIONS AND ANSWERS.

[*Mr. Harchandrai Vishindas.*] [13TH MARCH 1920.]

Questions.	*Answers.*
(*g*) that promotions in the Police Department are given by reference to confidential sheets filled up by superior officers?	(*g*) Reference is usually made to the Inspector's or Sub-Inspector's confidential sheet before he is given promotion, but he is not judged solely on its evidence.
(*h*) that superior officers have rarely an opportunity of coming in personal contact with their subordinates, there being only one Superintendent of Police for one District?	(*h*) No. Superior officers come frequently into personal contact with the Inspectors and Sub-Inspectors under them. In addition to their tours of inspection and their visits to the scenes of serious offences, they have frequent occasion to meet them at their headquarters where the latter come for giving evidence, for shooting, for conferences and for other reasons.

[*These questions were asked at the meeting held on the 10th December 1919 when* ad interim *replies were given.*]

*3. (*a*) Is it a fact that a committee was appointed in 1913-14 to revise the salaries of the Public Works Department clerical establishment in the Bombay Presidency including Sind and if so what was the result? Will Government place the committee's recommendations on the table?	3. (*a*) Yes, in 1913. A report was submitted but the proposals were held over owing to the financial stringency due to the war. The report is now out of date and new proposals are under consideration.
Public Works Department salaries.	
(*b*) Is it a fact that the Public Works Department clerks in the Bombay Presidency including Sind have been memorialising Government ever since to hurry up the revision?	(*b*) Some memorials have been received from time to time.
(*c*) Is it a fact that some members of the Public Works Department are getting the pay fixed for their posts in 1867 and some that fixed about 1893?	(*c*) The last general revision was in 1910, followed by revision in individual offices in subsequent years.
(*d*) Is it a fact that a committee consisting of two Superintending Engineers and the Chief Engineer in Sind was again appointed about two months ago with the same object in view and if so what were the committee's recommendations and how far have they been carried out?	(*d*) No such committee was appointed by this Government.
(*f*) Is it a fact that His Excellency has ordered the appointment of a new committee to submit proposals for the revision of the pay of clerical establishments within a fixed period?	(*f*), (*g*) and (*h*) No such committee is to be appointed. Attention is invited to the reply given to question No. 7* put by the Honourable Mr. Upasani.
(*g*) If so, what is the period within which the committee is to submit its proposals?	
(*h*) Is the revision to be made of the clerical establishments of all the departments or is it confined to Public Works Department alone?	* Printed in the list of questions and answers of the meeting held in December.
4. (*a*) Are Government aware that great inconvenience is felt by the public for want of telegraph offices in taluka towns in Sind and specially in Lower Sind.	4. (*a*) and (*b*). The inconvenience referred to is experienced all over the Presidency and Government propose to have all taluka towns connected by telegraph as soon as financial and constructional considerations permit.
Sind: telegraph offices.	
(*b*) Will Government be pleased to remove that inconvenience by immediately opening telegraph offices in those places?	

* This question was asked at the meeting held on the 10th December 1919. The answer to it was not then ready.

APPENDIX A.

Name.	Period of practice as a pleader before being appointed a Subordinate Judge.	Date of appointment to a Subordinate Judgeship.	Salary on first appointment as a Subordinate Judge.
			Rs. a. p.
Mr. P. J. Taleyarkhan ...	About 5 years ...	3rd January 1899 ...	150 0 0
Mr. B. R. Mehendale ...	About 6 years ...	1st November 1901 ...	150 0 0
Mr. Tavardas Dayaram Vaswani ...	About 5 years ...	24th January 1903 ...	150 0 0

APPENDIX B.

List of grain dealers in Ahmedabad District who have been granted wholesale licenses to sell grain at controlled rates.

	Name of licensee.	Residence.
1.	Meman Jamal Umar ...	Ahmedabad.
2.	Haji Hasam Abha ...	
3.	Jamnadas Chelabhai ...	
4.	Nathalal Keshavlal ...	
5.	Parsotam Amratlal ...	
6.	Meman Hasan Rehman ...	
7.	The Proprietor of the Beehive and B. B. S. Floor Mills.	
8.	The Proprietor of the Bansi Floor Mills.	
9.	Tribhovan Hansraj ...	
10.	Radhakrishna Nathmaldas ...	
11.	Mohanlal Mansukhram ...	
12.	Sakarchand Balakhidas ...	
13.	Mathuradas Jaliram ...	
14.	Madanmohan Kishanlal ...	
15.	Mansukhbhai Ravchand	
16.	Laherchand Joitadas ...	
17.	Maniram Gordhan ...	
18.	Ramchandas Ramanujdas ...	
19.	Kalidas Maganlal ...	
20.	Ganpatram Nathalal ...	
21.	Chhaganlal Kachradas ...	
22.	Ramchandra Kanaiyalal ...	
23.	Parasram Dwarkadas ...	
24.	Mathuradas Ramchandra ...	
25.	Hakamchand Lakhinarayan ...	
26.	Rugnathdas Chhaganlal ...	
27.	Dahyabhai Tarbhovan ...	
28.	Harilal Nansa ...	
29.	Ranchhoddas Vithaldas ...	
30.	Gangaram Jamnadas ...	
31.	Hathisingh Hargovandas ...	
32.	Shah Chhotalal Chhaganlal ...	
33.	Gopaldas Fatechand ...	
34.	Keshavlal Ramchand ...	
35.	Premchand Ganumal ...	
36.	H. C. Mehta and Brothers ...	
37.	Dharamchand Sarupchand ...	
38.	Hiralal Dahyabhai ...	
39.	Khoja Oghad Sangji ...	
40.	Narandas Tricumdas ...	
41.	Patel Maganlal Bapubhai ...	
42.	Dahyabhai Lakhmichand ...	
43.	Sakurbhai Umarbhai ...	
44.	Shah Lalubhai Haribhai ...	
45.	Suleman Jamal ...	
46.	Janmehmad Abderehman ...	
47.	Shah Khemchand Dahyabhai ...	
48.	Motilal Girdhar ...	
49.	Pochalal Pitamber ...	
50.	Ahmedali Kikabhai ...	
51.	Jamnadherji Potdao ...	
52.	Shah Dahyabhai Ambalal ...	
53.	Chhedimal son of Jiwanram ...	
54.	Jamnadas Maganlal. ...	
55.	Shantilal Sankalchand ...	
56.	Ambalai Shivlal ...	
57.	Nagindas P. Shroff ...	
58.	Panachand Zaver ...	
59.	Fadia Nathubhai Hirachand ...	
60.	Chimanlal Dalpatram ...	
61.	Panachand Gulabchand ...	
62.	M. O. Suraiya ...	
63.	Somchand Motiram ...	
64.	Badriparsad ...	
65.	Shah Bhagwanji Jethabhai ...	Viramgam.
66.	Manilal Ganchand ...	
67.	Ramanlal Chimanlal & Co. ...	
68.	Ramji Girdher ...	Viramgam.
69.	Kalidas Tribhovan ...	
70.	Chhotalal Kalyanji ...	
71.	Jethabhai Nathabhai ...	
72.	Dhanji Devji ...	
73.	Ramji Girdher, Gulam Husen & Co..	
74.	Virpal Khodidas ...	
75.	Wadilal Maniar, Honourary Secretary, Cheap Grain Shop.	
76.	Shah Gulabchand Somchand ...	
77.	Shah Virchand Batansi ...	Mandal.
78.	Vohra Manilal Somji ...	
79.	Doshi Jagjiwan Chaturbhuj ...	Rampura.
80.	Shah Kalidas Pitamber ...	Viramgam.
81.	Thaker Dosa Anda ...	Dhanchi.
82.	Atmaram Mahadev ...	Patdi.
83.	Jethlal Jeitaram ...	
84.	Prahladji Velji ...	
85.	Pari Vadilal Pranlal ...	
86.	Kalidas Motichand ...	
87.	Kewalbhai Desaibhai ...	Bawla.
88.	Patel Desai Bhagwandas ...	Dholka.
89.	Harilal Sachabhai ...	
90.	Gopal Punja ...	
91.	Sangji Vehalji ...	
92.	Nanalal Somabhai ...	
93.	Pitamber Tarbhovan ...	
94.	Nurbhai Dadabhai ...	
95.	Kalidas Chhagan ...	
96.	Jagjiwan Jaichand ...	
97.	Chhaganlal Kuber ...	
98.	Bansidher Jamnadas ...	
99.	Damoderdas Gopaldas ...	
100.	Dharamsi Samji ...	Bawla.
101.	Magan Dhanji ...	
102.	Hargovan Narandas ...	
103.	Kewaldas Kishoredas ...	
104.	Manilal Premchand ...	
105.	Nagindas Chhaganlal ...	
106.	Hemchand Tarachand ...	
107.	Shah Maneklal Parsotam ...	Dholka.
108.	Patel Chhaganlal Hargovandas ...	Bawla.
109.	Shah Vadilal Tarachand ...	Dholka.
110.	Karsan Bapalal ...	Kanka.
111.	Shah Narandas Kalidas ...	Dhandhuka.
112.	Doshi Vithaldas Maganlal ...	Ranpur.
113.	Shah Ratilal Vardhman ...	
114.	Mathurdas Haribhai ...	
115.	Zugabhai Jiwandas ...	
116.	Chhotalal Haribhai ...	Dhandhuka.
117.	Shantilal Madhavlal ...	
118.	Thaker Laxmidas Ratanji ...	Dhollera.
119.	Shantilal Taksi Parikh ...	
120.	Khoja Velsibhai Dhanji ...	
121.	Chunilal Lallu ...	
122.	Sarafali Rajabali ...	
123.	Bhawanishanker Bapuji ...	Ambli Road.
124.	Maganlal Lalchand ...	Acher.
125.	Sulabhai Vahalabhai ...	Bareja.
126.	Lallubhai Hakamchand ...	
127.	Lallu Jayantilal ...	Gogha.
128.	Maganlal Panachand ...	
129.	Tokarsi Tarbhovan ...	Sanand.
130.	Manilal Velsi ...	
131.	Doshi Lallubhai Ganpatrao ...	Harsal.
132.	Ranchhodlal Mabalakhram ...	
133.	Kotadia Tarachand Mithbhai ...	Parantij.
134.	Karimbhai Rasulbhai ...	
135.	Sheth Maganbhai Pitamberdas ...	

APPENDIX C.

List of Railway lines in the Bombay Presidency : (1) under construction, (2) sanctioned, but are not under construction and (3) for which schemes have been submitted and are under consideration.

Lines under construction.	Lines sanctioned but not under construction.	Lines for which schemes have been submitted and are under consideration.
(1) Harbour Branch Extension (Overhead connection) to Victoria Terminus.	(1) Gaekwar's Mehsana Railway—Khalipur-Khakhal and Wagrod-Khareda.	(1) Satara-Koregaon Railway. (2) Metre gauge (M. & S. M. Railway) extension from Hotgi to Sholapur.
(2) Savar Kundla (*via* Dongar)-Mahuva Railway, with a branch from Dongar to Port Albert Victor.	(2) Anjar-Bachau section of the Cutch State Railway.	(3) Vasad-Borsad-Kathana Railway. (4) Kudchi-Jamkhandi-Bagalkot Railway.
(3) Motipura-Tankhala Railway.		(5) Dholka-Dhandhuka-Botad Railway. (6) Viramgam-Radhanpur Railway.
(4) Dewusna (Bhoyani)-Bechraji Railway.		(7) Extension of the Ahmedabad-Dholka Railway to Dhollera. (8) Belgaum-Saundatti-Hubli Railway.
(5) Choranda-Koral Railway ...		(9) Pandharpur-Miraj and Pandharpur-Lonand Railways.
(6) Kuranga-Arathra Railway .		(10) Deesa-Tharad Railway (with a branch from Diodar to Radhanpur). (11) Nadiad-Kaira Railway. (12) Miraj-Nipani Railway. (13) Parola-Amalner-Soukheda Railway. (14) Jeur (or Pophlaj)-Karda Feeder Railway. (15) Vambori-Shegaon Railway. (16) Manmad-Malegaon-Satara Feeder Railway. (17) Thasra-Balasinor-Virpur Railway. (18) Belapur-Shevgaon and Belapur-Nasik Railways, with a branch to Sangamner. (19) Baramati-Baura Railway (Extension of the Dhond-Baramati Railway). (20) Bassein-Agashi-Virar Railway. (21) Hubli-Sirsi Railway. (22) Haveri-Havanur Railway. (23) Bijapur-Talikote Railway. (24) (*a*) Kapadvanj-Modasa, (*b*) Modasa-Meghraj extension of the Nadiad-Kapadvanj Railway and (*c*) Lunawada-Sunth Rampur extension of the Godhra-Lunawada Railway. (25) Dassalwada-Bahiel Railway. (26) Bulsar-Dharampur Railway (with possible extensions to Lavkar and Jahgiri). (27) Mumbra-Belapur-Panvel Railway. (28) Karad-Chiplun-Ulva Railway. (29) Modassa-Dongarpur Railway. (30) Talegaon-Khed Railway.

APPENDIX D.

Serial No.	Name of District.	Number of Assistant Deputy Educational Inspectors attached to each District in the Presidency proper.	Number of Mahomedan Assistant Deputy Educational Inspectors attached to each District in the Presidency proper.
1	Poona	6	1
2	Satara	6	1
3	Sholapur	4	1
4	Ahmednagar	5	1
5	Nasik	4	1
6	East Khandesh	8	1
7	West Khandesh	3	1
8	Kolaba	3	1
9	Ratnagiri	6	1
10	Bombay	3	1
11	Thana	4	1
12	Ahmedabad	7	1
13	Surat	8	1
14	Kaira	8	1
15	Broach	3	1
16	Panchmahals	4	1
17	Belgaum	6	1
18	Dharwar	9	1
19	Bijapur	5	1
20	Karwar	4	1

APPENDIX E.

Statement showing exports of ghee including exports on account of Military Department from Bombay during the period noted against each.

Period.	Exports on private account.	Exports on account of the Military Department.	Total exports.
	Cwt.	Cwt.	Cwt.
1913-14 ...	6,664	Not available.	6,664
1916-17 ...	8,070	77,280	85,350
1917-18 ...	8,858	125,300	134,158
1st October 1919 to 30th October 1919.	567	13,580	14,147

APPENDIX F.

Statement showing actual retail price of Big Mill Special rice prevailing in Thana, Shahapur and Bhiwandi during September 1919 and November 1919.

Name of place.	Retail price (seers of 80 tolas each) per rupee during			
	September 1919.		November 1919.	
	Seers.	Chataks.	Seers.	Chataks.
Thana	5	11	5	11
Shahapur	5	11	5	11
Bhiwandi	6	0	5	11

APPENDIX G.

Statement showing actual retail price of Big Mill Special rice prevailing in Bardoli, Jalalpore and Bulsar during September 1919 and November 1919.

Name of place.	Retail price (seers of 80 tolas each) per rupee during			
	September 1919.		November 1919.	
	Seers.	Chataks.	Seers.	Chataks.
Bardoli	6	4	6	.....
Jalalpore	6	.....	6	.....
Bulsar	5	9	5	9

APPENDIX H.

Extract paragraph 3 from enclosure to Railway Board's letter No. 254-F-16, dated 20th July 1917:

3. *Qualifying Service.*—Service rendered, which must be wholly on a railway, must be continuous and for a period of not less than 15 years. It must, in the opinion of the Railway Board, as well as of those under whom the employé has been serving, reach the standard of "good", "efficient" and "faithful" service to qualify for the gratuity.

Note 1.—For the purpose of this rule, any authorised leave of absence, whether with or without allowances, or an overstayal, for sufficient reasons, of any leave, except furlough, up to one week, does not constitute an interruption of continuous service.

Note 2.—Service beyond 30 years does not qualify for gratuity.

Note 3.—An employé who is retained in service after he has attained the age of 55 years, may be permitted to count the whole of his service, subject to the limit of 30 years, as qualifying for gratuity.

Note 4.—Service for which an employé has already received a gratuity does not count for another gratuity.

Note 5.—Participation in a strike *ipso facto* removes all eligibility for gratuity for service rendered.

APPENDIX I.

Statement showing the scale of fees at which licensed stamp vendors are paid for sale of Judicial and non-judicial stamps.

Kind of stamp.	Scale of fees. At places where stamps are sold by Government. Per cent.	At other places. Per cent.
	Rs. a. p.	Rs. a. p.
Court-fee (Judicial).		
Stamps of the value of Re. 1 or less	1 0 8	1 0 8
Stamps of higher values	0 12 6	0 12 6
Non-judicial.		
Adhesive stamps—		
Stamps not exceeding in value 8 As. each in quantities of not less than Rs. 5 in amount.	4 11 0	6 4 0
Stamps exceeding in value 8 As. each, but not exceeding in value Rs. 5 each, in quantities of not less than Rs. 50 in amount.	2 9 8	3 2 0
Stamps exceeding in value Rs. 5 each, but not exceeding in value Rs. 50 each, in quantities of not less than Rs. 100 in amount.	1 9 0	1 9 0
Stamps embossed or engraved on stamped paper (including such stamps bearing the word "Hundi").	4 11 0	6 4 0

APPENDIX J.

Statement showing the amounts of suspensions, remissions and takavi loans granted for the last five years in the Haliyal Taluka (including Forest Mahals).

	1914-15.	1915-16.	1916-17.	1917-18.	1918-19.
	Rs.	Rs.	Rs.	Rs. a. p.	Rs. a. p.
Suspension of C. L. R. ...	...	...	...	...	58,773 10 11
Remission of C. L. R. ...	...	...	...	569 2 8	...
Takavi loans granted ...	700	300	100	...	12,865 0 0

APPENDIX K.

Statement showing fine inflicted on vaccinators in the Dharwar District for the wastage of lymph during the months of June to November 1919.

Month.	Name.	Grade.	Taluka.	Salary.				Fine.	Remarks.
				Pay.	War allowance.	Pony allowance.	Total.		
				Rs.	Rs.	Rs.	Rs.	Rs. a. p.	
June 1919 ...	.....	*Nil*	.....	...	...	...	...	...	Total number of vaccinators in the Dharwar District— 8 Municipal. 19 Local Fund. — 22 Total.
July 1919 ...	.....	Do.	.....	...	...	...	...	...	
August 1919 ...	.....	Do.	.....	...	...	...	...	...	
September 1919 .	Ganesh Bhaskar ...	2nd Grade vaccinator .	Karajgi, W. D. ...	24	3	10	37	0 8 0	
	Venu Gopal ...	3rd do. ...	Ranebenur, E. D.	18	3	10	31	0 8 0	
	Vishnu Abaji ...	Do. do. ...	Mundargi ...	18	3	10	31	0 8 0	
October 1919 ...	Ganesh Bhaskar ...	2nd do. ...	Karajgi, W. D. ...	24	3	10	37	1 8 0	
	Govind Laxman ...	Do. do. ...	Navalgund ...	24	3	10	37	0 8 0	
	Rango Tamaji ...	Do. do. ...	Kod, S. D. ...	24	3	10	37	0 8 0	
	Hanmant Narsinha .	Do. do. ...	Hubli Taluka ...	24	3	10	37	0 8 0	
	Vishnu Mahadaji ...	Do. do. ...	Nargund ...	24	3	10	37	0 8 0	
	Venu Gopal ...	3rd do. ...	Ranebennur, E. D.	18	3	10	31	1 0 0	
	Vishnu Abaji ...	Do. do. ...	Mundargi ...	18	3	10	31	1 0 0	
	Ramchandra Balaji .	Do. do. ...	Karajgi, E. D. ...	18	3	10	31	0 8 0	
	Shripad Anandrao ...	Do. do. ...	Gadag Taluka ...	18	3	10	31	0 8 0	
November 1919 .	.....	*Nil*	.....	...	...	...	...	...	

APPENDIX L.

Name of the Institution.	Number of candidates by Division.										Grand total.	Cost.	
	Central Division.		Northern Division.		Southern Division.		Sind.		Total.			Re-curring.	Non-recurring.
	First year.	Second year.	First year.	Second year.	First year.	Second year.	First year.	Second year.	First year.	Second year.			
												Rs.	Rs.
Urdu Training Class, Poona	26	22	...	...	4	7	...	1	30	30	60	12,932	23,210
Urdu Training Class, Ahmedabad.	8	9	19	26	4	4	...	...	31	39	70	13,912	5,100

APPENDIX M.

Statement showing the details of water-rate and conservancy cess shown in columns 19 and 21 respectively of statement No. 2 accompanying the report on municipal taxation and expenditure for the year 1917-18.

District.	Name of Municipality.	Water rate.			Conservancy cess.			Remarks.
		General.	Special.	Total.	General.	Special.	Total.	
	Northern Division.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
Ahmedabad ...	Ahmedabad ...	90,298	1,93,765	2,84,063	24,412	51,032	75,444	
Kaira ...	Dakor ...	...	...	...	...	841	841	
	Nadiad ...	...	...	...	1,996	1,990	3,986	
Panch Mahals.	Dohad ...	...	...	...	...	531	531	
Surat ...	Surat ...	...	1,26,245	1,26,245	1,794	35,339	37,133	
	Rander ...	...	7,161	7,161	1,752	361	2,113	
	Bulsar ...	...	...	...	1,648	2,164	3,812	
Thana ...	Thana ...	1,157	11,564	12,721	...	10,326	10,326	
	Kalyan ...	...	...	...	...	3,939	3,939	
	Bhiwandi ...	...	2,064	2,064	1,562	...	1,562	
	Bassein ...	...	...	...	...	2,008	2,008	
	Bandra ...	...	47,396	47,396	...	26,048	26,048	
	Kurla ...	...	66,933	66,933	9,429	...	9,429	
	Ghatkoper-Kirol ...	...	...	...	...	1,684	1,684	
	Central Division.							
Ahmednagar...	Ahmednagar ...	11,504	8,628	20,132	...	9,438	9,438	
	Sangamner ...	...	...	...	2,853	...	2,853	
	Vambori ...	...	...	...	961	...	961	
East Khandesh.	Jalgaon ...	2,810	15,216	18,026	1,989	2,908	4,897	
	Bhusawal ...	...	...	...	3,558	2,843	6,401	
	Yawal ...	...	...	...	427	...	427	
	Faizpur ...	...	...	...	1,416	352	1,768	
	Raver ...	...	...	...	...	652	652	
	Savda ...	...	...	...	1,114	596	1,710	
	Amalner ...	...	...	...	2,364	1,347	3,711	
	Parola ...	...	...	...	1,751	451	2,202	
	Chopda ...	...	...	...	2,798	1,227	4,025	
	Dharngaon ...	...	...	...	2,219	950	3,169	
	Erandol ...	...	...	...	961	703	1,664	
West Khandesh.	Dhulia ...	3,952	13,771	16,723	2,635	4,065	6,700	
Nasik ...	Nasik ...	2,451	13,752	16,203	*11,631	...	11,631	* The Collector remarks:— Up to the end of 1917-18 the Nasik Municipality credited all recoveries of conservancy cess under one head irrespective of the fact that there was a privy attached to a particular house or not. The rates were different. but there was no differentiation in treatment of the revenue derived according to the different rates. Different figures for the general and special conservancy cess cannot therefore be given in respect of this Municipality.
	Yeola ...	...	...	...	...	487	487	
	Malegoan ...	...	...	...	4,056	660	4,716	
	Sinnar ...	...	...	...	592	...	592	
	Trimbak ...	...	...	...	592	323	915	
	Igatpuri ...	...	...	...	4,028	...	4,028	
Satara ...	Satara City ...	1,717	9,820	11,537	...	359	359	
	Karad ...	...	723	723	...	936	936	
	Wai ...	...	...	...	698	484	1,182	
	Islampur ...	...	...	...	...	27	27	
	Malcolmpeth ...	...	...	...	2,411	...	2,411	
	Satara Suburban ...	...	...	...	60	...	60	
	Panchgani ...	...	48	48	645	...	645	
Sholapur ...	Sholapur ...	35,933	52,474	88,407	9,189	13,786	22,975	
	Barsi ...	...	...	...	...	4,639	4,639	
	Karmala ...	...	...	...	682	472	1,154	
	Pandharpur ...	5,022	10,590	15,612	2,521	4,383	7,004	
Poona ...	Poona City ...	...	59,861	59,861	7,465	30,748	38,213	
	Talegaon-Dabhade ...	740	879	1,619	202	107	309	
	Saswad ...	...	...	...	...	94	94	
	Lonavla ...	...	5,318	5,318	...	†6,143	6,143	† General and Special sanitary cesses are consolidated. Separate figures cannot be given.
	Indapur ...	...	...	...	...	217	217	

District.	Name of Municipality.	Water-rate.			Conservancy cess.			Remarks.
		General.	Special.	Total.	General.	Special.	Total.	
	Central Division—continued.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
Poona—*contd.*	Junnar	...	...	...	...	260	260	
	Baramati	...	...	...	1,605	614	2,219	
	Poona Suburban	...	...	...	3,554	...	3,554	
	Sirur	...	...	...	153	484	637	
	Alandi	...	...	...	78	66	144	
	Khed	...	...	...	563	156	719	
	Southern Division.							
Belgaum	Belgaum	...	...	...	3,242	5,031	8,273	
	Nipani	...	2,769	2,769	1,014	225	1,239	
	Athni	...	...	...	...	3	3	
	Gokak	...	...	...	...	1,372	1,372	
Bijapur	Bijapur	4,204	6,860	11,064	2,459	1,602	4,061	
	Ilkal	...	...	...	383	24	407	
Dharwar	Dharwar	14,280	7,976	22,256	4,215	2,400	6,615	
	Hubli	12,503	18,619	31,122	...	...	...	
	Gadag-Bettigeri	...	...	...	831	...	831	
	Navalgund	1,296	...	1,296	...	...	...	
	Ranebennur	...	...	...	887	...	887	
	Gudguddapur	200	...	200	...	...	...	
Kanara	Karwar	...	...	...	...	926	926	
	Kumta	...	...	...	...	193	193	
	Honavar	...	...	...	...	24	24	
Kolaba	Alibag	...	...	...	2,028	...	2,028	
	Mahad	...	...	...	...	62	62	
	Matheran	2,682	...	2,682	896	5,126	6,022	
	Panvel	3,334	1,137	4,471	779	...	779	
	Pen	1,019	210	1,229	1,201	...	1,201	
	Roha-Ashtami	509	454	963	...	398	398	
	Uran	...	...	...	520	448	968	
Ratnagiri	Vengurla	...	...	...	...	762	762	
	Ratnagiri	...	852	852	...	1,329	1,329	
	Chiplun	...	668	668	...	229	229	
	Sind.							
Karachi	Karachi	2,88,172	1,27,681	4,15,853	1,24,784	63,824	1,88,608	
	Tata	...	...	...	1,614	...	1,614	
Hyderabad	Hyderabad	5,718	66,337	72,055	...	2,989	2,989	
	Fando Allahyar	...	...	...	...	1,072	1,072	
	Nasarpur	...	...	...	...	869	869	
Sukkur	Sukkur	...	9,912	9,912	...	16,268	16,268	
	Shikarpur	...	...	...	...	1,319	1,319	
	Garhi Yasin	...	...	...	...	3,341	3,341	
	Bohri	...	...	...	...	664	664	
	Ghotki	...	...	...	...	3,903	3,903	
Larkana	Larkana	...	...	...	204	847	1,051	
	Kambar	...	...	...	101	1,146	1,247	
	Ratodero	...	...	...	...	906	906	
	Sehwan	...	...	...	...	713	713	
	Bubak	...	...	...	284	...	284	
Thar and Parkar.	Mirpurkhas	...	...	...	...	...	...	
Nawabshah	Shahdadpur	...	...	...	...	5	5	
	Tando Adam	...	...	...	...	329	329	
Upper Sind Frontier.	Jacobabad	...	...	...	..	3,148	3,148	

APPENDIX N.

Letter No. 93, dated 22nd/25th November 1918, from the Conservator of Forests, S. C., to the Collector of Kanara.

"I have the honour to confirm telegram 'Regret influenza has so disorganised Forest service that have been unable to issue required orders. Please instruct Patils to tell villagers to take required material for fencing and dams from open forests as temporary measure. Forest officials instructed accordingly' of to-day's date and to send you the copy of the telegram issued to the Divisional Forest Officers, Kanara. 'Order subordinates to allow villagers to take material for fencing and dams from open forests without permits through Patils as temporary measure' for perusal."

Letter No. 3914, dated 8th October 1919, from the Conservator of Forests, S. C., to the Divisional Forest Officers, Kanara.

Subject.—Removal of fencing material from forests without permits.

"I have the honour to invite a reference to this office letter No. 94, dated 22nd/25th November 1918, and to state that the special permission granted to villagers to take fencing material, etc., from open forests without permits is hereby cancelled. Necessary instructions should be issued to all subordinates."

APPENDIX O.

Statement showing the Distress Warrants received from the District Municipalities during the years 1914, 1915 and 1916.

Name of the Municipality.	1914.						1915.						1916.						Remarks.
	Cases in which amounts were recovered and were sent to the Municipalities.		Cases in which warrants remained unexecuted and were returned to the Municipalities.		Total number of warrants received.		Cases in which amounts were recovered and were sent to the Municipalities.		Cases in which warrants remained unexecuted and were returned to the Municipalities.		Total number of warrants received.		Cases in which amounts were recovered and sent to the Municipalities.		Cases in which warrants remained unexecuted and were returned to the Municipalities.		Total number of warrants received.		
	No.	Amount.	No.	Amount.	No.	Amount.	No.	Amount.	No.	Amount.	No.	Amount.	No.	Amount.	No.	Amount.	No.	Amount.	
		Rs. a. p.		Rs. a. p.		Rs. a. p.		Rs. a. p.		Rs. a. p.		Rs. a. p.		Rs. a. p.		Rs. a. p.		Rs. a. p.	
Bandra	1	19 2 1	1	41 10 3	2	60 12 4	3	47 15 2	8	271 6 3	11	319 5 5	2	121 15 11	10	602 5 11	12	724 5 10	
Kurla	1	22 5 0	3	97 11 0	4	120 0 0	11	256 11 0	31	2,306 2 11	42	2,562 13 11	4	260 12 0	12	1,153 2 0	16	1,413 14 0	
Nadiad	...	.....	...	.....	...	.....	...	.....	4	24 8 0	4	24 8 0	...	.....	...	.....	...	.....	
Wai	...	.....	...	.....	...	.....	5	14 3 0	4	16 3 6	9	27 6 6	...	.....	...	.....	...	.....	
Surat	...	.....	...	.....	...	.....	2	2 4 0	...	.....	2	2 4 0	2	4 4 0	6	5 4 0	8	9 8 0	
Mahad	...	.....	...	.....	...	.....	2	8 0 0	...	.....	2	8 0 0	...	.....	...	.....	...	.....	
Barsi	...	.....	...	.....	...	.....	1	1 1 3	...	.....	1	1 1 3	...	.....	...	.....	...	.....	
Sholapur	...	.....	...	.....	...	.....	...	.....	2	30 8 0	2	30 8 0	...	.....	...	.....	...	.....	
Junnar	...	.....	...	.....	...	.....	...	.....	...	.....	...	.....	9	14 11 0	71	92 10 0	80	107 5 0	
Bassein	...	.....	...	.....	...	.....	...	.....	...	.....	...	.....	1	25 2 0	3	45 8 10	4	70 10 10	
Malegaon	...	.....	...	.....	...	.....	—	.....	...	.....	...	.....	...	.....	4	7 14 0	4	7 14 0	
Thana	...	.....	...	.....	...	.....	...	.....	...	.....	...	.....	...	.....	4	163 8 4	4	163 8 4	
Pen	...	.....	...	.....	...	.....	...	.....	...	.....	...	.....	1	2 8 0	3	17 0 0	4	19 8 0	
Kudapa	...	.....	...	.....	...	.....	...	.....	1	4 0 0	1	4 0 0	...	.....	...	.....	...	.....	
Kalyan	...	.....	...	.....	...	.....	...	.....	...	.....	...	.....	...	.....	1	3 4 0	1	3 4 0	
Poona	...	.....	...	.....	...	.....	...	.....	...	.....	...	.....	2	2 12 0	12	15 8 0	14	19 4 0	
Sukkur	...	.....	...	.....	...	.....	...	.....	...	.....	...	.....	1	7 1 8	...	.....	1	7 1 8	
Bhiwandi	...	.....	...	.....	...	.....	...	.....	...	.....	...	.....	...	.....	1	41 5 3	1	41 5 3	
Poona Suburban ...	...	.....	...	.....	...	.....	...	.....	...	.....	...	.....	...	.....	1	31 8 0	1	31 8 0	
Total ...	2	41 7 1	4	139 5 3	6	180 12 4	24	327 2 5	50	2,652 12 8	74	2,979 15 1	22	439 2 7	128	2,179 14 4	150	2,619 0 11	

Total number of cases in which amounts were recovered	...	48	amount Rs. 807 12 1
Total number of cases in which warrants remained unexecuted	...	182	,, 4,972 0 3
Total number of warrants received	...	230	,, 5,779 12

Statement regarding the Distress Warrants received from District Municipalities during the years 1917-18-19.

Name of municipality.	1917					1918					1919				
	No. of warrants received.	No. of warrants that were returned to the municipalities concerned owing to money received direct from parties.	Amount.	No. of warrants that remained unexecuted.	Amount.	No. of warrants received.	No. of warrants that were returned to the municipalities concerned owing to money received direct from parties.	Amount.	No. of warrants that remained unexecuted.	Amount.	No. of warrants received.	No. of warrants that were returned to the municipalities concerned owing to money received direct from parties.	Amount.	No. of warrants that remained unexecuted.	Amount.
			Rs. a. p.		Rs. a. p.			Rs. a. p.		Rs. a. p.			Rs. a. p.		Rs. a. p.
Kurla	16	.....	.....	16	2,283 5 0	11	.....	.....	11	1,033 13 2	.....	.....	.....	.....	.....
Bandra	18	1	29 3 7	17	380 2 1	.....	.....	.....	.....	.....	3	.....	.....	3	328 3 5
Ghatkoper-Kirol	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	5	2	97 0 0	3	260 14 0
Lonavla...	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	3	.....	.....	3	355 14 0
Poona	.....	.....	.....	.....	.....	1	.....	.....	1	179 10 0	1	.....	.....	1	3 0 0
Bhiwandi	.....	.....	.....	.....	.....	2	.....	.....	2	101 10 6	1	.....	.....	1	2 7 0
Kaira	1	.....	.....	1	45 8 0	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Panchgani	.....	.....	.....	.....	.....	1	.....	.....	1	36 8 0	.....	.....	.....	.....	.....
Kalyan...	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	4	.....	.....	4	22 0 0
Sholapur	.....	.....	.....	.....	.....	1	.....	.....	1	21 8 0	.....	.....	.....	.....	.....
Igatpuri	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	.....	.....	1	13 8 0
Dharamgaon	.....	.....	.....	.....	.....	1	.....	.....	1	7 10 0	1	.....	.....	1	8 4 0
Raver	.....	.....	.....	.....	.....	1	.....	.....	1	8 0 0	.....	.....	.....	.....	.....
Bhaswad	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	7	.....	.....	7	7 12 0
Wai	.....	.....	.....	.....	.....	8	1	Amount not known.	7	8 3 0	.....	.....	.....	.....	.....
Surat	.....	.....	.....	.....	.....	1	.....	.....	1	4 2 0	1	.....	.....	1	5 14 0
Khed	1	.....	.....	1	3 6 0	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Malegaon	.....	.....	.....	.....	.....	.....	2	.....	2	1 6 0	.....	.....	.....	.....	.....
Pandharpur	.....	.....	.....	.....	.....	.....	1	.....	1	0 7 0	1	.....	.....	1	0 7 0
Satara	.....	.....	.....	.....	.....	5	1	Amount not known.	4	2 12 0	.....	.....	.....	.....	.....
Barsi	1	.....	.....	1	2 2 6	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Mahad	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	3	2	15 4 0	1	1 13 0
Matheran	.....	.....	.....	.....	.....	2	2	111 8 0	.....	.....	.....	.....	.....	.....	.....
Nasik	.....	.....	.....	.....	.....	1	1	29 14 0	.....	.....	.....	.....	.....	.....	.....
Anand	1	1	Amount not known.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Vambori	1	1	17 2 0	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Jamner	.....	.....	.....	.....	.....	43	43	69 2 0	.....	.....	.....	.....	.....	.....	.....
Total ...	39	3	46 5 7	36	2,714 7 7	81	48	210 8 0	33	1,410 9 8	31	4	112 4 0	27	1,010 0 5

	Warrants to be executed.	Amount.
1917	36	Rs. 2,714 7 7
1919	27	1,410 9 8

APPENDIX Q.

Opinion of the Honourable the Advocate General, No. 34, dated the 11th August 1917.

The questions for consideration are—

(*a*) Whether the provision in section 83 (2-A) of the Bombay District Municipal Act, *viz.*, 'Where the property is in the City of Bombay the warrant shall be addressed to the Municipal Commissioner of Bombay', which was inserted in the Act by an amedment in 1914 has any operative force by reason of section 1 (2) which has stood as part of the Act from the commencement and provides that the Act shall extend to the whole of the Presideney of Bombay except the City of Bombay, and

(*b*) Whether, if so, the Municipal Commissioner of Bombay has a discretion to refuse to execute a warrant addressed to him under section 83 (2-A). I am of opinion that question (*a*) must be answered in the affirmative for three reasons, *viz.* :—

(1) 'It is a cardinal principle in the interpretation of a statute that if there are two inconsistent enactments it must be seen if one cannot be read as a qualification of the other', per James L., *J.*, at p. 484; L. R. X., Ch. App. Here the provision in question in section 83 (2-A) can be read as a qualification to section 1 (2).

(2) 'If the two sections are repugnant, the rule is that the last must prevail,' per Keating, *J.*, at p. 27, L. R. III., C. P.

(3) The provision in question being specific the general clause does not control it. 26 Beavan, p. 533. I am of opinion that question (*b*) must be answered in the negative, except to the limited extent indicated below.

The warrant is to be 'in the form of Schedule C or the like effect'.

The terms of Schedule C are mandatory as regards the officer addressed.

I do not agree with the Legal Remembrancer that the expression 'it shall be lawful' occurring in section 83 gives the officer addressed a discretion except to a very limited extent, *viz.*, that when the premises in question are shut up it is left to that officer to decide whether they are likely to contain property liable to seizure under the warrant before he breaks open the premises.

The object of the provisions in section 83 (3), (4), and (4-A) where that expression occurs is merely to provide what may be lawfully done under the order contained in the warrant.

It is not to cut down the mandatory character of the order.

APPENDIX R.

Statement X.—Showing the number of cattle exported from Calcutta to foreign countries during the years 1918-19 to 1919-20 (April to December).

	1918-19.	1919-20. (April to December).
	No.	No.
Straits Settlements	268	256
Mauritius	.....	.....
Fiji Islands	.....	.....
Brazil	258	102
Sumatra	.....	204
Java	.....	10
Philippines	700	80
Maldives	.....	.....
British West India Islands	.....	.....
Austria Hungary	.....	.....
France	.....	90
Total ...	1,226	742

APPENDIX S.

Statement Y showing the exports of cattle (excepting sheep and goats) to foreign countries from the ports of the Madras Presidency during the calendar year 1919.

Ports from which exported.	To Ceylon.	Countries of final destination.					Total.
		To Straits Settlements (including Labuan).	To Federated Malay States.	To Sumatra.	To Java.	To Brazil.	
	No.	No.	No.	No.	No.	No.	No.
Pt. Calimere	532	...	...	...	...	...	532
Negapatam	...	1,497	791	...	...	...	2,288
Adirampatnam	218	...	...	...	...	...	218
Tuticorin	8,867	...	...	...	...	329	9,196
Madras	...	141	17	676	96	...	930
Total ...	9,617	1,638	808	676	96	329	13,164

APPENDIX T.

Statement Z showing the number of cattle exported by sea from Bombay to foreign countries on private account during each of the years 1915 to 1919.

Countries to which exported.	1915.	1916.	1917.	1918.	1919.
Brazil	.....	.....	.....	.....	1,178
Belgium	.....	.....	.....	.....	110
France	.....	.....	.....	.....	217
Zanzibar	24	162	105	20	155
Total ...	24	162	105	20	1,660

APPENDIX U.

Statement V showing the quantity of ghee exported by sea from Bombay to foreign countries on private account and on account of Military Department during the period noted against each.

Period.	Exports on private account.	Exports on account of the Military Department.	Total exports.
	Cwt.	Cwt.	Cwt.
1915-16	10,936	41,677	52,613
1916-17	8,070	77,280	85,350
1917-18	8,858	125,300	134,158
1918-19	8,293	180,406	188,699
1919-20 (April to December 1919) ...	4,361	84,691	89,052

Statement W showing the quantities of butter exported by sea from Bombay to foreign countries on private account and on account of Military Department during the period noted against each.

Period.	Exports on private account.	Exports on account of Military Department.	Total exports.
	Cwt.	Cwt.	Cwt.
1915-16	812,481	280,674	1,093,155
1916-17	1,460,663	1,874,979	3,335,642
1917-18	1,503,078	2,509,068	4,012,146
1918-19	673,252	883,390	1,556,642
1919-20 (April to December 1919) ...	483,855	96,100	579,955

APPENDIX V.

List of European Officers appointed in this Presidency since 11th November 1918.

Name.	Appointment held.	Present scale of salary.	Whether the appointment is made to fill actual vacancies or is newly created.	Qualifications.	Remarks.
Mr. J. A. Neale ...	Mechanical Expert, Government Central Press, Bombay.	Rs. 300—10—350 *plus* Rs. 100 as temporary allowance for the additional duties of the Assistant Manager.	Against existing vacancy ...	A practical Printer with a special knowledge of the working of mechanical composing machines.	
Dr. C. Strickland, M.A., B.Sc	Officer in charge Plague Operations, Belgaum and Dharwar Districts (Temporary appointment).	Rs. 1,200	Temporary appointment newly created.	He has an extensive epidemiological experience in various countries in connection with malaria and had special experience of plague investigation in East Anglia (England) under the Local Government Board.	
Lieutenant Gilbert Charles Rowe, 1st K.G.O. Sappers and Miners, Roorkee.	Assistant Land Acquisition Officer ...	Rs. 900 *plus* Rs. 100 as conveyance allowance.	Newly created	Professional Associate of the Surveyors Institute.	
Mr. D'Maule Cole ... „ J. A. Coghlan ... „ C. Y. Farrant ... „ H. M. Leverett ...	Indian Police Service	They start with Rs. 450 and stop at Rs. 1,400. (Above Rs. 1,400 there are select appointments, the salary of which ranges between Rs. 1,600 and Rs. 3,000).	Against existing vacancies ...	These officers have been selected on their records of service during the war and they have satisfied the Civil Service Commissioners in England that they have received continuous and systematic education up to the standard which, before the war, would have qualified them for success at the entrance examination for the Royal Military College at Sandhurst, and have further satisfied the Civil Service Commissioners in a qualifying examination in English, Arithmetic and General Knowledge.	
Mr. A. W. Marks ...	Factory Department	Rs. 400—30—900 *plus* Rs. 100 for additional duties as Inspector of Steam Boilers.	Against existing vacancy ...	Has served two years' apprenticeship in Keyham Factory of His Majesty's Dockyard, Devonport, from where he was transferred to Malta for one year. In 1914 he was in charge of boiler and machine shop at Rosyth Naval Base and since then was Inspector and Foreman in the Royal Indian Marine Dockyard, Bombay.	

Mr. J. Cubbon ...	Steam Boiler Department	Rs. 400	Do. ...	Practical training in Engineering Firms in England ; has experience of erection of machinery in India and holds a second class certificate of competency under the Boiler Act.	Temporary.
Mr. A. Chisholme ...	Do.	Rs. 350	Do. ...	Was trained in the Ammunition Factory, Kirkee, and has served for three and half years as Assistant Engineer in His Majesty's Mint. Holds a second class certificate under the Boiler Act.	Temporary.
Permanent Engineer Establishment.					
Mr. H. J. Gleeson ...	Assistant Engineer (Provincial Service) ...	Rs. 300 *plus* personal allowance Rs. 100.	Against existing vacancy ...	Prior to promotion to the provincial service he was employed as a permanent Sub-Engineer, 1st grade. He passed out from the T. E. C. College, Rurki, in 1902 for the Upper Subordinate class, Higher Standard.	Appointed in India.
,, H. L. Francis ...	Assistant Engineer (Imperial) Service ...	Rs. 600	Do.	Details of qualifications not yet received from the India Office.	Appointed in England.
,, R. H. Hammett ...	Do. ...	,, 600	Do.	Do. ...	Do.
,, A. E. Sharp ...	Do. ...	,, 650	Do.	Do. ...	Do.
,, E. T. Roch ...	Do. ...	,, 650	Do.	Do. ...	Do.
,, W. H. E. Garrod ...	Do. ...	,, 650	Do.	Do. ...	Do.
Temporary Engineers.					
Mr. F. Green ...	Temporary (Assistant) Engineer ...	Rs. 400	New appointment	Was originally employed on the permanent Upper Subordinate establishment as Sub-Engineer, 3rd grade. Is an Associate of the Institute of Sanitary Engineers as well as a Member of the Royal Sanitary Institute, London.	Appointed in India.
,, E. S. Whittle ...	Temporary (Assistant) Engineer ...	Rs. 300	Do.	Educated in the T. E. C. College, Rurki, in the Assistant Engineer class and served as a temporary Upper Subordinate, in the Public Works Department, and later also under the Karachi Port Trust. Was on military duty having enlisted in the Queen's Westminsters. (16th London Territorials).	Do.

Name.	Appointment held.	Present scale of salary.	Whether the appointment is made to fill actual vacancies or is newly created.	Qualifications.	Remarks.
Temporary Engineers—contd.					
Mr. W. C. Jefferies ...	Temporary (Assistant) Engineer ...	Rs. 500	New appointment	Was originally employed as a temporary Sub-Engineer under the I. R. C. but was allowed to terminate his appointment with a view to proceed to Mesopotamia on military duty and was guaranteed re-employment on return. While on military duty he held His Majesty's Commission as a temporary Captain in the Inland Water Transport Royal Engineers.	Appointed in India.
Mr. J. W. Craigh ...	Do. ...	„ 750	Do.	Has had previous experience as a Municipal Engineer in the Water Department. Has also served in the Army in France during the war.	Do.
Temporary Engineer under covenant.					
Mr. S. Woods Hill ...	Consulting Architect to Government ...	Rs. 1,550-50-1,750. Agreement for 5 years on terms and conditions fixed by Secretary of State.	Against existing vacancy ...	Is an Associate of the Royal Institute of British Architects and previous to war, practised at 8, Clifford's Inn, Temple Bar. Originally he was a pupil of the late Thomas W. Cutlar, F.R.I.B.A., F. San. I., and he supplemented this training at the Architectural Association in Paris where he studied for two years for the *Prix de Rome* (Decorative section), gaining a premium in that section). Was also a Lieutenant of Engineers with 4½ years' war service. Was also a premiated competitor in the London County Hall Competition, and was awarded 200 guineas.	Appointed in England.
Mr. H. Hamill ...	Educational Department	Rs. 500-50-1,000	Do. ...	M.A. (Ireland).	
Mr. W. E. G. Solomon ...	Educational Department	Rs. 750-25-1,250	Do. ...	Took the highest award at Sir Arthur Cope's School for figure composition and for drawing from the Nude, the latter awarded by Sargent; passed the Entrance Examination for the Royal Academy Schools; went through the	

				full curriculum there (5 years). Besides Painting, qualified in Perspective Drawing and Anatomy and attended the courses of Sculpture, Architecture, Chemistry, etc., under eminent Professors. Took highest awards of Royal Academy in Painting and a Gold Medal and travelling scholarship.	
Captain T. H. O. Collings	Additional Land Acquisition Officer for the City of Bombay.	Rs. 1,200 *plus* Rs. 100 conveyance allowance.	Newly created ...	Associate of the Royal Institute of British Architects; practised as Architect Surveyor and valuer, 1907—14, in England.	All these officials served in the war, several being wounded.
Captain J. F. Calder ...	Temporary Forest Officer	Rs. 800	Do. ...	Technical training at Heriot Watt College and Agricultural College, Edinburgh (practical Forestry). Holds certificates of Board of Education and City of Guilds of London.	
Captain W. Day Lovell ...	Do.	Rs. 800	Do. ...	Practical experience of Forestry and Timber trade with Government and with commercial firm.	
Lieutenant W. J. Segar ...	Do.	Rs. 800	Do. ...	Representative of London Timber firm in England and Russia.	
Captain Shannon ..	Do.	Rs. 600-50-800	Do. ...	Two and a half years in Political Department in Kathiawar.	
Captain Charles Beaupre Bell Clee.	.....	Rs. 650	.....	Appointed by the Secretary of State.	
Captain Walter Nigel Usher Dunlop.	Indian Civil Service ...	Rs. 650 ...	Against existing vacancy ...	Appointed by the Secretary of State ...	All these officials served in the war, several being wounded.
Lieutenant H. L. Shoveller, R. F. A.	Second Collector of Income Tax, Bombay ...	Rs. 1,000-50-1,500 per mensem	Do. ...	Member of the Institute of Chartered Accountants (with honours in examination), experience 1906—1914 in audit, accountancy, banking and financial work in London.	
Captain H. C. B. Mitchell.	Registrar of Companies and Secretary, Auditors' Council, Bombay, and to do the duties of Controller of Hostile Trading Concerns and Custodian of Enemy Property, Bombay. Acts also as Administrator General and Official Trustee.	Rs. 1,200-50-1,800 per mensem. Duty allowance Rs. 600 per mensem. Acting allowance Rs. 500 per mensem.	Do. ...	Solicitor. 1908—14 with Messrs. Freshfield, Solicitors to the Bank of England, London.	
Captain W. G. Wishart, R. G. A.	Mechanical Engineer in the Department of Industries.	Rs. 1,000 per mensem ...	Newly created ...	B.Sc. Edinburgh. 1906—10 apprenticeship with Messrs. Doughlas and Grant. Taught engineering at University of Birmingham and in South Africa.	

APPENDIX W.

Name of the District.	Non-Urdu primary schools with pupils in 1887-88.		Urdu schools with pupils in 1887-88.		Number of	
	Number of schools.	Number of pupils.	Number of schools.	Number of pupils.	Assistant Deputy Educational Inspectors attached to a District in 1887-88.	Mahomedan Assistant Deputies attached to a District in 1887-88.
Poona	379	17,383	6	428	2	1
Satara	448	20,147	13	425	2	1
Sholapur	238	11,010	4	161	1	.....
Ahmednagar	276	11,692	17	1,427	2	1
Nasik	289	13,578	20	1,060	1	.....
Khandesh	417	20,992	20	1,453	3	1
Ahmedabad	246	18,935	6	353	2	1
Kaira	251	21,178	8	688	1	.....
Panchmahals	109	5,149	3	248	1	.....
Broach	274	15,253	8	821	1	.....
Surat	330	20,755	9	544	2	1
Thana	235	12,924	8	558	1	.....
Dharwar	471	23,386	16	3,831	2	1
Belgaum	297	17,073	11	1,339	2	1
Bijapur	274	11,788	5	583	1	.....
Kanara	186	10,739	10	682	1	.....
Ratnagiri	198	14,187	23	992	1	.....
Kolaba	143	7,816	10	685	1	1
Karachi	79	4,900	.....	.....	.....	.....
Hyderabad	143	7,530	.....	.....	.....	.....
Thar & Parkar	20	1,408	.....	.....	.....	.....
Sukkur (formerly called Shikarpur) ...	126	7,192	.....	.....	.....	.....
Upper Sind Frontier	35	1,276	.....	.....	.....	.....

APPENDIX X.

List of Presses and Newspapers under Security which is to be returned.

PRESSES.

Bombay City.

1. Hindustan Limited Printing Press.
2. Karnatak Printing Press.
3. Excelsior Art Printing Works.
4. Dharma Vijaya Press.
5. Indian National Printing Works.
6. Pathak and Company Press.
7. Balaram Printing Press.
8. Abadia Litho Printing Press.
9. Bharat Seva Printing Press.
10. Muslim Printing Press.

Ahmedabad.

11. Jain Advocate Printing Press.

Surat.

12. Surat City Press.
13. Jain Engine Printing Press.
14. Sunder Printing Press.
15. Shankar Printing Press.
16. Modern Printing Press.
17. British India Press.
18. Laxmi Printing Press.

Kaira.

19. Sharada Vijaya Printing Press.
20. Tribhovan Printing Press.

Thana.

21. Laxmi Venkateshwar Press.

Poona.

22. Raghuvir Printing Press.
23. Sudharak Press.
24. Lokashikshan Press.

West Khandesh.

25. Gajanan Press.

East Khandesh.

26. King George Printing Press.

Kanara.

27. Shri Ramkrishna Printing Press.
28. Star of Kanara Press, Kumta.

Sukkur.

29. Edward Printing Press.
30. Harising Printing Press.
31. Shri Gopal Press.

Kolaba.

32. Sudhakar Press (Pen).

Sholapur.

33. New Printing Press.

Newspapers or Periodicals.

1. Chitramaya Jagat periodical (Hindi edition), Poona.
2. New Times Newspapers (Karachi).
3. Hindu Missionary Newspaper (Bombay).
4. Vidushak (Bombay).
5. Satyaprakash (Satara).

List of Presses and Newspapers under Security which is not to be returned.

PRESSES.

Bombay.

1. Bombay Cronicle Press.
2. Shruti Bodh Printing Press.
3. New Jain Printing Press.

Ahmedabad.

4. Chandra Prakash Press.
5. Anglo-Vernacular Printing Press.

Surat.

6. India Printing Press.
7. Jain Vijaya Press.
8. Shri Anavil Printing Press.

Poona.

9. Chitrashala Press.

West Khandesh.

10. Atmaram Press.

Hyderabad, Sind.

11. Bharatwasi Press.
12. Hindu Press.

Newspapers.

1. Gujarati newspaper (Bombay).
2. Maratta newspaper (Poona).
3. Kesari newspaper (Poona).

APPENDIX Y.

Terms and conditions relating to effluents from factories to be erected on the acquired land.

1. All effluents from factories other than tanneries and Spinning and Weaving Factories shall be held up in settling tanks attached to their respective factories. This effluent is to be skimmed and screemed before entering these factory tanks, and will be thence discharged into one main settling tank situated to the west of the Bombay road.

2. This main settling tank shall be at least thirty yards from the river at its nearest point.

3. An exit shall be provided in this main settling tank by means of a sluice or sluices to pass the effluent into a channel discharged into the river. Discharge by these sluices shall be allowed only for a period of one hour commencing an hour before the full flow ceases in the evening of any given day.

4. The sill sluice or sluices referred to in clause 3 hereof must be not less than one foot above the bottom of the settling tank.

5. The point of discharge from the channel into the river shall be placed not less than three furlongs west of the bridge on the Bombay road.

6. The above restriction shall not apply during the heavy floods of the monsoon season.

7. The above restrictions shall not apply to any effluent purified by chemical process to the satisfaction of Government.

8. Until such time as the effluent exceeds one million gallons per day the Khopoli Land Company, Limited, shall have the option of placing the main tank on the east of the Bombay road and of discharging the effluent therefrom into the river to the west of the road at a point not less than 1½ furlongs to the west of the bridge. In this case the

APPENDIX Z.

Division.	1 *(a)		1 *(b)					1 (c)		1 (d)		1 *(e)			
	Number of Urdu schools.	Number of pupils attending them.	Number of trained Urdu teachers.				Number of untrained Urdu teachers.	Number of Mahomedan pupils that appeared with Urdu and passed in the Vernacular Final Examination (during 1918-19).		Number of Mahomedan pupils that appeared for the Training College entrance examination and the number of such pupils admitted in the training Colleges (during 1918-19).		Number of non-Urdu Primary schools.	Number of pupils attending the non-Urdu primary schools.	Number of teachers in the non-Urdu Primary schools.	
			1st year.	2nd year.	3rd year.	Total.		Appeared.	Passed.	Appeared.	Admitted.			Trained.	Untrained.
Central Division	346	25,082	67	112	87	266	683	130	55	33	16	3,867	232,003	2,491	4,738
Northern ,, ...	176	13,210	95	37	51	183	331	33	26	20	13	2,326	166,178	2,729	3,508
Southern ,, ...	330	17,998	34	80	71	185	382	67	46	54	17	2,606	152,487	2,594	3,245

* The figures in these columns are given as they stood on 31st March 1919.

APPENDIX AA.

To,

His Excellency the Governor in Council,
Bombay.

May it please your Excellency.

We, the clerks of the Revenue Department and members of the Revenue Clerks' District Association, Dharwar District, humbly beg to state that owing to the extremely high prices of food stuffs, clothing and other necessaries of life, we have been experiencing great hardships and humiliations by inability to purchase sufficient food and clothing and by reduction of our credit in the bazar and the loan market. Peace of mind, so very necessary for a full time servant of Government in the discharge of his duties is being seriously disturbed to the detriment of work.

2. The cost of living of a clerk's family consisting of himself, his wife, and two children in the beginning years of his service comes by a modest calculation to no less than Rs. 66 per month (vide Table appended).

We have not included in the above estimate the charges on account of an old mother or an old widowed relative who is a charge on most families and cannot be dispensed with.

Clerks of longer standing have to maintain larger families and face other charges than food and clothing such as education of children and essential religious rites including marriages, etc.

3. The above facts would we humbly submit show how inadequate the present salaries are and also how insufficient the increases contemplated by Government in Financial Department Resolution No. 8311 of 6th December 1919 are.

4. The statement made by Government in paragraph 1 of the Resolution that prices in all probability will not subside to the pre-war level has very greatly depressed our spirits and our only hope now lies in the grant by Government of adequate salaries fixed on the basis of prices current rather than a comparison with the salaries on the past.

5. Government recognise that permanent increase of pay rather than temporary supplementary allowances is required by the conditions which obtain. We request, therefore, that the salaries should kindly be fixed at the following minimum rates to enable us to pull on under the changed conditions :—

Clerks from Rs. 60 to Rs. 100 with a biennial increase of Rs. 5.

Head Karkuns and others graded with them from Rs. 100 to Rs. 150 with a yearly increment of Rs. 10.

Head clerks to Collectors from Rs. 150 to Rs. 200 with a yearly increment of Rs. 10, pending the amalgamation of the post with Mamlat.

6. The hardships under which we are labouring are now current and immediate relief is necessary. prospect of obtaining arrears of increased pay after the publication of matured and sanctioned schemes is not likely to relieve our distress at present and we pray that increased salaries may be provisionally brought into effect at once in anticipation of the sanction of the Government of India and the Secretary of State. Account adjustments after the receipt of sanctions in due course are a matter of routine which we need not suggest.

7. Increase of remunerations is the most vital of the measures which are needed for alleviating our hardships. There are other measures which are also necessary with the same end in view and we beg leave to mention them for the consideration of Government.

8. The system of selecting direct recruits to the upper branch of the Revenue Subordinate Service has created a permanent bar to the majority of clerks to rise above a specific level and is detrimental to their life's career as well as to office work. It should kindly be discontinued and the old system of allowing all clerks to appear for qualifying examinations after specified periods of service and of promoting such clerks as pass them and are otherwise fit, to the upper branch may be revived.

9. In the interest of health and for other domestic conveniences such as settling marriages, visits to homes and to Devasthans, it is necessary that we should be sure of getting leave when we require. Privilege leave should therefore be kindly treated as a matter of course rather than one of grace.

10. Office work has grown heavier and more taxing than before and to be yoked to work for a long term of years is expected to affect health seriously and produce all the consequences of broken health. We request therefore that 25 years' service may be declared to qualify for superannuation pension and 20 years' service for invalid pension.

11. Cart-hire and hotel charges have increased in accordance with the ruling prices of food, fodder and clothing and increase of mileage, daily and pony allowances

during journeys on duty is consequently needed and the matter should kindly be considered by Government.

12. In paragraph 4 of Financial Resolution No. 8311 of 6th December 1919 Government have desired the institution of inquiries with a view to reduction of superfluous posts. Revenue Offices are already harder worked than offices of most other Departments and work longer hours. Work has still more increased in recent years in the Correspondence, Account and Treasury branches owing to increase of schools and colleges, starting of agricultural farms and co-operative societies which are steadily increasing, and we pray therefore that the clerks who have to do original work should be given an opportunity to explain the details of the work they have to do and the quantity of the time and labour involved before submission of recommendations for reduction of posts.

13. House-rents have risen too high for our means in the towns of Dharwar, Hubli and Gadag. Ron, Hirekerur, Kalghatgi and Shiggaon are small villages and spare houses are not available. Elsewhere also rents have risen to some extent. We request, therefore, that Government should kindly undertake to build free residential quarters for us in healthy localities in the Head Quarters of the District and at all Taluka and Mahal Head Quarters. Until this is done adequate house-rent allowance should kindly be paid.

We beg to remain,

Your Excellency's most humble and obedient servants,

RAMCHANDRA BALACHARYA ARBATTI, President,
for Members of the Revenue Clerks' Association,
Dharwar.

Dharwar, 14th February 1920.

P. S.—A copy has been submitted through the Collector of Dharwar.

Table showing the monthly cost of living of a Revenue Clerk's family consisting of himself, his wife and two children, in the beginning years of his service.

		Per month. Rs.
Monthly.		
* Food charges of himself and his wife in accordance with the standard of the middle class		30
Do. for two children		16
House-rent		5
Medical charges		2
Conservancy charges, washing, etc.		2
Occasional and unforeseen charges, bedding, etc.		2
Yearly.	Rs.	
Two pairs of simple dhoties	16	
One pair of Upparnis (shoulder cloth)	6	
Two coats, 4 shirts and 2 head cloths (Rumals) of simple pattern	30	
One pair of shoes	3	
Two sadis ordinarily worn by women of poorer families of the middle class	30	
Four cholis	6	
Clothes for 2 children	20	
	111	
per month Rs.		9
		66

* The monthly food charges of a student in the Dharwar High School and Dharwar Training College hostel are Rs. 15 and Rs. 13 per month, respectively. The boarders in these hostels are 50 and 400, respectively. In a family where a much smaller number of boarders is concerned the charges for each person are naturally likely to be higher.

President,
Revenue Clerks' Association,
Dharwar.

APPENDIX BB.

Famine.

Investigation of sites suitable for the production of fodder by pump irrigation in the Presidency proper.

GOVERNMENT OF BOMBAY.

REVENUE DEPARTMENT.

Order No. 720.

Bombay Castle, 1st March 1920.

ORDER OF GOVERNMENT.

At the meeting of the Legislative Council held in July 1919 the Honourable Mr. Purshotamdas Thakurdas asked for a list of places suitable for raising fodder crops by pump irrigation, with the approximate area which could be irrigated at each place. Government replied that enquiry would be made. A resolution which was moved by the same Honourable Member in the meeting of the Legislative Council held in September 1919 to the effect that Government should undertake a survey of suitable sites for the purpose stated above was, in view of the proposed enquiry, postponed. The Governor in Council is now pleased to direct that all officers of the Land Revenue, Irrigation and Agricultural Departments in the Presidency proper, while on tour, should be instructed to make notes of any sites they may find where there are

(*a*) a perennial supply of water, preferably from a pool in the bed of a river;

(*b*) moderately low river banks, and

(*c*) 150 acres or more of fairly level culturable land, close to the source of supply;

and to forward their reports on the sites so discovered to the Collector concerned at the end of the touring season. The Collector should forward a combined report for his district to the Director of Agriculture, who should submit his report to Government after the proposals have been examined by the Agricultural Engineer.

2. In the event of pumping being resorted to on an extensive scale in future famines, it has been suggested to Government that the Public Works Department might be in a position to order portable pumping sets, for use on their works, of a size suitable to the needs of the Agricultural Department and that such sets could be made available for issue on loan or hire in a famine year. The Director of Agriculture should be asked to favour Government with his opinion on this suggestion.

H. F. KNIGHT,

Under Secretary to Government.

To

The Commissioner, N. D.,
The Commissioner, C. D.,
The Commissioner, S. D.,
All Collectors and Executive Engineers in the Presidency proper,
All Superintending Engineers in the Presidency proper,
The Director of Agriculture,
The Settlement Commissioner and Director of Land Records,
The Mechanical Engineer to Government,
The Accountant General,
The Public Works Department,
The Political Department,
The Financial Department.

APPENDIX CC.

Paragraph of Government Order no. 1075, dated the 22nd March 1919.	Action taken.
2	The detailed proposals referred to have been received by Government and provisionally approved, the necessary amount being provided in the ensuing year's budget.
5	The proposals called for from the Director of Public Instruction have been received and the requisite orders have been issued in the matter.
8	The distribution statement since submitted by the Director of Public Instruction has been sanctioned. The amount of grant, *viz.*, Rs. 30,000 distributed to the District Local Boards for the award of special allowance to Urdu teachers in Local Board Schools in the 3 Divisions is as follows :— Northern Division ... ... 11,460 Central Division ... ... 12,300 Southern Division ... ... 6,240 Total ... 30,000
9	The detailed proposals called for from the Director of Public Instruction are awaited. The Director has been expedited.
11	The particulars called for have been submitted by the Director of Public Instruction. In the circumstances reported by him, Government have decided not to accept the recommendation of the Mahomedan Education Committee that one-fourth of the examiners on the Examining Boards of the various Training Colleges should always be Mahomedans. It has been directed, however, that as a general rule, the percentage of Mahomedan Examiners should not be less than the percentage of Mahomedan students.
12	The report asked for in this paragraph is to be submitted after the Urdu-cum-vernacular standards sanctioned in February 1919, have been in force for a sufficiently long time.
13	The proposals in question have been received and are under the consideration of Government.
14	Rules for the grant of special scholarships to Mahomedans in arts and professional colleges have been published in Government notifications No. 4029, dated 1st September 1919, and No. 5602, dated 8th December 1919, respectively. Orders sanctioning the necessary expenditure in connection with these scholarships have also issued.
15	The report called for in this paragraph is awaited. The Director of Public Instruction has been expedited.
17	The question regarding the curriculum for Mahomedan girls was considered in connection with the proposals for the revision of standards for ordinary girls' primary schools since submitted by the Director of Public Instruction. In view, however, of certain facts disclosed, a further report is being called for from the Director in the matter.
18	The report of the Director of Public Instruction since received shows that there is at present no demand for Anglo-Vernacular middle schools for Mahomedan girls in the Northern and Southern Divisions. As regards the Central Division, it has been decided that for the present, a simple course in English should be taught in standards V and VI of the Central Urdu Girls' School, Poona, and in the normal class attached to it and that if the experiment proves a success a separate Anglo-Vernacular school should be started there. Orders sanctioning the necessary establishment in this connection are being issued. Further enquiries are being made of the Director as to the extent of the demand in Bombay for a school of the kind referred to above.

Paragraph of Government Order No. 1075, dated the 22nd March 1919.	Action taken.
19	The detailed proposals since submitted by the Director of Public Instruction have been approved. The provision of Rs. 6,000 for prizes, scholarships, etc., is to be divided equally among the three Divisions and a lump grant of Rs. 2,000 is to be placed at the disposal of each of the Educational Inspectors as provincial grant for distribution in his Division according to the requirements of all classes of schools (Government, Local Board, Municipal and Aided) subject to certain conditions.
20	The proposals for the utilization of the provision of Rs. 1,000 for grants for the encouragement of Urdu literature have been received and sanctioned. The amount is to be distributed as follows:— (i) Works of exceptional merit written in Urdu to be purchased and distributed to important Urdu and Anglo-Urdu schools in the three Divisions, Rs. 500. (ii) Prizes in the shape of good Urdu books to be given to Mahomedan boys at the annual examination, Rs. 150 (Rs. 50 for each Division). (iii) Urdu books of real work to be rewarded on the recommendation of the Urdu Text Book Committee, Rs. 250. (iv) Instructive illustrated Urdu periodicals and magazines to be subscribed for in behalf of Urdu school libraries, Rs. 100. The proposals in connection with the deputation of Persian teachers to places in Northern India submitted by the Director of Public Instruction are under consideration.

APPENDIX DD.

	Average increase in prices of text-books used in Government institutions between 1915-16 and 1918-19.				
	Northern Division.	Central Division.	Southern Division.	Sind.	Average increase per cent. for Presidency.
	Per cent.	Per cent.	Per cent.	Per cent.	Per cent.
Primary	13	37	0·5	63	28
Secondary	27	32	30	120	52

APPENDIX EE.

Statement A showing particulars called for in clauses (d) and (e) of question No. 2 put by the Honourable Mr. G. K. Parekh, LL.B.

Vessel's name.	Date of sailing.	Number of cattle.	Country of Final Destination.	Remarks.
S.S "Numilia" ...	20th October 1919 ...	155	Brazil ...	Details not known.
„ "Varzin" ...	23rd December 1919 ...	117	France ...	114 cows, 3 calves.

Statement B showing particulars called for in clause (f) of question No. 2 put by the Honourable Mr. G. K. Parekh, LL.B.

Vessel's name.	Date of sailing.	Number of cattle.	Country of Final Destination.	Remarks.
S.S "Vyzantian" ...	29th October 1919 ...	100	France ...	Cows and bulls, number of each not known.
„ "Fratelli Bendiera" .	30th October 1919 ...	265	Brazil ...	Details not known.
„ "Normandier" ...	12th November 1919 ...	110	Belgium ...	10 bullocks, 100 cows.
„ "Gandora" ...	17th January 1920 ...	205	Brazil ...	Cows and some bulls, number of each not known.

APPENDIX FF.

Statement showing the average expenditure under several heads per booth of 25 date trees in the Surat District.

Heads of expenditure.	In the case of trees not owned by the booth licensees and tapper is engaged.	In the case of the trees owned and tapped by licensees.	Remarks.
	Rs. a. p.	Rs. a. p.	
License fee	21 4 0	21 4 0	*N.B.*—Tree tax is Rs. 2-8-0 per tree in Olpad Taluka outside 10 mile radius from Surat City.
Tree tax	62 8 0	62 8 0	
Tapper's pay	60 0 0	.....	
Rent of trees	33 5 4	.....	
Earthen pots	12 0 0	12 0 0	
Coir yarn	3 0 0	3 0 0	
Hutting charges	10 0 0	10 0 0	
Measures	8 0 0	8 0 0	
Sign board	2 0 0	2 0 0	
Miscellaneous	10 0 0	10 0 0	
Total ...	222 1 4	128 12 0	

APPENDIX GG.

The Madras and Southern Mahratta Railway Co., Ld.

AGENT'S OFFICE,
Rayapuram, Madras, N. E.,
26th/28th February 1920.

No. 757/T.

To

The Under Secretary to the Government of Bombay,
Public Works Department,
Irrigation and Railways, Bombay.

Sir

With reference to your letters Nos. 199 and 224 of 1920, dated the 4th and 7th February 1920, respectively, regarding questions Nos. 4 and 3 proposed to be put by the Honourable Mr. D.V. Belvi, LL.B., at the Meeting of the Legislative Council to be held on the 13th March 1920. I have the honour to state as follow:—

1. The allegations made in the letter to the "Bombay Chronicle" are generally speaking inaccurate, and the real facts are as under.

2. The Belgaum Booking Office is open from 5-00 to 21-30 hours daily and during the night for two hours previous to the departure of any passenger train. No complaint has so far been received from 3rd class passengers that they cannot obtain tickets at any time while the Booking Office is open, and, had any such complaint been received, it would have had prompt attention.

It is, however, a fact that passengers are apt to come to the station not more than half an hour before the due departure of their train and this results in congestion at the Booking Office such as may be seen at any big London terminus at a similar time. No complaint against the Police has been received.

3. The platform ticket system is in force at Belgaum and 80-100 such tickets are sold daily.

A platform ticket-holder is admitted at once to the platform and his ticket is collected at the gate when he leaves.

A practice has, however, arisen of 3rd class ticket-holders purchasing platform tickets in addition to their 3rd class tickets, so as to gain admission to the platform. This practice is recognised, and passengers holding both 3rd class and platform tickets are asked to give up the latter at the gate on admission to the platform, because there are no means of collecting them afterwards, the holders having gone away by train. But 3rd class passengers are not obliged to buy platform tickets unless they like, and the Company would prefer that they did not do so.

I have no evidence that the platform ticket system is a source of fraud, nor that passengers or non-travellers are allowed on to the platform without tickets on paying one anna to the Ticket Collector at the gate.

4. The opening of a separate Booking Office at Belgaum City is not justified. I do not think that passenger traffic (non-military) has increased materially since 1914. There are only 900 3rd class passengers daily from Belgaum.

5. Inter class passengers at Belgaum get their tickets at the 1st and 2nd class booking window and not at the 3rd class.

6. * * * * *

I have the honour to be,
Sir,
Your most obedient servant,
(Signed) C. L. MAGNIAC, Lieut.-Col.,
Agent.

BILL No. VI of 1919.

(A Bill further to amend the Bombay District Municipal Act, 1901.)

REPORT OF THE SELECT COMMITTEE.*

We, the undersigned members of the Select Committee appointed to consider Bill No. VI of 1919 (a Bill further to amend the Bombay District Municipal Act, 1901), have the honour to report as follows:—

We are, by a majority, of the opinion that an agency other than that of the Presidency Magistrate, which entails the use of the Police, should be employed for the purpose of collecting the arrears of mofussil municipalities. We have substituted for the Presidency Magistrate the Registrar of the Court of Small Causes, Bombay, and have given him the power of delegation to a subordinate officer. Clauses 3 and 4 of the Bill have been amended accordingly.

(Signed) IBRAHIM RAHIMTOOLA.
(„) R. P. PARANJPYE.
(„) G. K. SATHE.
(„) HARILAL DESAIBHAI DESAI *(subject to minute of dissent).*
(„) A. F. I. PATHAN.
(„) C. V. MEHTA.
(„) C. N. SEDDON.

Bombay, 12th February 1920.

(Minute of dissent by the Honourable Rao Saheb Harilal Desaibhai Desai, LL.B.)

I am not satisfied that the Municipal Commissioner of Bombay would not be able to perform the duty now laid on him by law if provision were made for his being able to endorse the warrants to his subordinates. If necessary the Bombay Municipality may be indemnified against risk; and the expenses could be reimbursed by authorizing the levy of a fee.

2. It seems to me that the work is peculiarly suited to a Municipal Establishment and ought to be performed by the Bombay Municipality as a return for the amenities provided to the residents of Bombay by the District Municipalities. The Ward establishment is intimately acquainted with the localities where the defaulters reside and could without extra trouble perform this duty during their usual rounds.

3. If, however, the Municipal Commissioner is to be relieved at any cost, the Registrar of the Court of Small Causes, Bombay, is the next best authority to execute the warrants of mofussil municipalities, where the property of the defaulter is in the City of Bombay. He should be authorized to delegate his powers to any subordinate officer.

4. In order, however, to prevent as far as possible the evasion of payment of taxes by persons liable to pay by suddenly leaving the limits of District Municipalities it is necessary to insert the following provision in the Bombay District Municipal Act III of 1901 analogous to section 210 of the City of Bombay Municipal Act III of 1888, as section 83-A:—

> "Section 83-A (1) If the officer authorized to sign a warrant under sub-section (2) of section 83 shall at any time have reason to believe that any person from whom any sum is due on account of any Municipal tax is about forthwith to remove from the Municipal District the said officer may direct the immediate payment by such person of the sum so due or about to become due by him and cause a bill for the same to be presented to him.

* The Bill as amended by the Select Committee was published in the *Bombay Government Gazette*, Part V, dated 13th February 1920.

"2. If on the presentation of such bill the said person does not forthwith pay the sum due or about to become due by him, the amount shall be leviable by distress and sale in the manner hereinbefore prescribed except that it shall not be necessary to serve upon the defaulter any notice of demand, and the said officer's warrant for distress and sale may be issued and executed without delay."

(Signed) HARILAL DESAIBHAI DESAI.

22nd January 1920.

BILL No. VII of 1919.*

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

REPORT OF THE SELECT COMMITTEE.

We the members of the Select Committee appointed to consider Bill No. VII of 1919 (a Bill further to amend the City of Bombay Municipal Act, 1888), have the honour to report that we have no change to recommend in the Bill as published.

(Signed) IBRAHIM RAHIMTOOLA,
(,,) C. V. MEHTA,
(,,) PHIROZE C. SETHNA,
(,,) DINSHAW PETIT,
(,,) GOKULDAS K. PAREKH,
(,,) SHERIFF D. CANJI,
(,,) E. L. SALE,
(,,) MUNMOHUNDASS RAMJI,
(,,) MAHOMEDBHOY HAJEEBHOY.

Bombay, 20th January 1920.

BILL No. VIII of 1919.

(A Bill to amend the law relating to the regulation of Public Conveyances.)

REPORT OF THE SELECT COMMITTEE.†

We, the undersigned members of the Select Committee appointed to consider Bill No. VIII of 1919 (a Bill to amend the law relating to the regulation of Public Conveyances), have the honour to report as follows :—

Clause 4.—We have reverted to the provision of the present Act by which the licenses are renewed from January 1st of each year. This facilitates their renewal and the work of inspection and is in accordance with the present practice and with the petition of the Bombay Hack Owners Association. We have, therefore, in sub-clause (*c*) of clause 2 defined " Licensing year ".

Clause 5.—We have deleted sub-clause (*b*) as being vague and indefinite in its scope.

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* Published at pages 903-907 of the *Bombay Government Gazette*, Part V, dated 10th October 1919. As the Bill has not been amended it has not been republished.

† The Bill as amended by the Select Committee was published in the *Bombay Government Gazette*, Part V, dated 20th February 1920.

Clause 10.—We have assimilated the law to what we understand is the present practice of the Commissioner of Police in Bombay and have made a responsible veterinary officer the final judge as to the unfitness of a horse for use.

Clauses 12 and 13.—We have transposed these clauses to obtain uniformity in drafting and we have in clause 12 made more precise the grounds on which a driver's license may be refused.

Clause 14.—We have by an additional clause made provision for a charge for the driver's license. This is in accordance with the law prevailing in Calcutta and is a just charge to cover the cost of badge and licensing.

Clause 18.—We have made the fixing of the legal rates of fares subject to the conditions of the sanction of the Governor in Council and of previous publication.

Clauses 20 and 26.—We have made provision for the driver to carry his license with him and to show it to a police officer on demand and we have in sub-clause (*e*) of clause 26 made it an offence to refuse to show such license or the list of fares on demand to a police officer. We have by a new sub-clause (*i*) made it an offence to use insulting or abusive language and by an addition to sub-clause (*l*) (*v*) an offence to loiter. We have increased the fine imposed by clause 26.

Clause 31.—We have by the addition of new sub-clause (5) endeavoured to prevent vexatious complaints to the Magistrate by providing for the payment of compensation in such cases.

Clause 36.—We have by the addition of sub-clause (5) provided for the payment to local authorities in Sind and the Mofussil of the fines realised under this Act after deducting expenses.

Other amendments are verbal.

(Signed) G. CARMICHAEL.

(„) PURSHOTAMDAS THAKURDAS.

(„) C. V. MEHTA.

(„) PHIROZE C. SETHNA.

(„) HARILAL DESAIBHAI DESAI.

(„) SALEBHOY K. BARODAWALLA.

Bombay, 17th February 1920.

BILL No. X OF 1919.

(A Bill further to amend the City of Bombay Police Act, 1902.)

REPORT OF THE SELECT COMMITTEE.*

We, the undersigned members of the select committee appointed to consider Bill No. X of 1919 (a Bill further to amend the City of Bombay Police Act, 1902), have the honour to report as follows:—

1. We are of opinion that no direction should be issued under the second alternative in new sub-section (*1*) of section 28 without the previous sanction of the Governor in Council and that notice should be given as under the first alternative. We have amended clause 3 of the bill accordingly. We are by a majority of opinion that the punishment of whipping provided in new section 126A should be omitted as brutalising in its effects. We are further of opinion that sub-section (*2*) of new section 126A should cover detention by a threat to take legal proceedings for the recovery of money lent and have inserted the necessary provisions in the said sub-section.

2. As the intention of clause 7 is to prevent smoking and spitting in public buildings, we propose to insert a new section limited to that purpose.

3. The other amendments proposed are merely verbal.

(Signed) G. CARMICHAEL.
(„) PHIROZE C. SETHNA.
(„) PURSHOTAMDAS THAKURDAS.
(„) C. FERNANDES.
(„) C. V. MEHTA.
(„) LALUBHAI SAMALDAS.
(„) T. J. STRANGMAN.
(„) SHERIFF D. CANJI.

Bombay, 17th February 1920.

Bill No. XI of 1919.

(A Bill to provide for the constitution of village panchayats.)

REPORT OF THE SELECT COMMITTEE.†

We, the undersigned, members of the Select Committee appointed to consider Bill No. XI of 1919 (a Bill to provide for the constitution of village panchayats), have the honour to report as follows:—

Clause 3.—We have entirely redrafted this clause and we have provided that the Commissioner shall only act on the application of the Collector or of the district local board after either of these two authorities has given notice to the other of its application.

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* The Bill as amended by the Select Committee was published in the *Bombay Government Gazette*, Part V, dated 20th February 1920.

† The Bill as amended by the Select Committee was published in the *Bombay Government Gazette*, Part V, dated 21st February 1920.

Clause 5.—We have redrafted this clause. We are by a majority of the opinion that the village patel should be an *ex-officio* member of the panchayat as giving administrative experience to a body that may otherwise possess none, but we have provided that the revenue patel where possible shall be the *ex-officio* member. In certain villages such as Khoti villages there is no patel. We have by the words "if any" provided for this contingency and we have preferred in such cases to keep the panchayat wholly elective in character rather than introduce as an *ex-officio* member the managing Khot. We are also by a majority of the opinion that neither talukdars, jagirdars nor inamdars should be *ex-officio* members of the panchayats in their own villages either in addition to, or in substitution for, the patel. We have provided for the decision of possible disputes as to who is the senior patel by making the president of the district local board the arbiter.

Clause 6.—We have considerably mitigated the severity of the conditions of disqualification in certain cases by the deletion of sub-clause (*d*) and by substituting in new sub-clauses (*d*) and (*e*) for a permanent disqualification, a disqualification for a period of five years, and we have enabled the district local board to remove a disqualification imposed under sub-clause (*h*).

We have by a new sub-clause (*g*) disqualified an undischarged bankrupt.

Clause 8.—Where the validity of an election is in dispute, we have made provision for due enquiry by the Collector.

Clause 10.—We have extended the period of office of members from two years to three and we have transferred sub-clause (*2*) to new clause 17.

Clause 11.—We have subjected all appointments of secretaries to the approval of the district local board, so as to eliminate, as far as possible, unfair influence in the village.

Clause 12.—We have transferred sub-clause (*3*) to new clause 17.

Clause 15.—We have arranged that the district local board should hear the views of a panchayat before the removal by it of any member for unfitness.

Clause 16.—We have provided for the decision of disputes as to questions of "residence."

Clause 17.—We have in this clause more conveniently arranged sub-clause (*2*) of clause 10 and sub-clause (*3*) of clause 12 and by a new sub-clause (*3*) applied to the disqualification of a sar-panch the disqualifications of a member.

Clauses 18 and 21.—We have guarded against any presumption that the panchayat is responsible for tanks and wells used for irrigation, and we have made it clear that the panchayat is responsible only for the maintenance of buildings which vest in them, and we have by a new clause 21 empowered the Governor in Council and the district local board to transfer property to the panchayat for this purpose, and we have made it clear that works constructed by the panchayat vest in the panchayat.

Clause 23.—In the case of dismissal of a servant we have provided for an appeal from the order of the sar-panch to the panchayat.

Clause 25 (e).—As it might be held that mahars and other village servants are not "private" persons within the meaning of this section, we have by the deletion of the word "private" safeguarded their rights.

Clause 27.—We have by a new sub-clause (*2*) provided for the imposition of an octroi in addition to other taxes.

Clause 36.—We have given the panchayats an opportunity of making representations against any proposed order of supersession by providing for a reference to the district local board before such order is made, and we have guarded against the invalidity of acts done by the panchayat between the making of the order and its communication to the panchayat by making such orders operative from the date of communication.

Clause 39.—We think it undesirable that pleaders and other legal practitioners should be allowed to appear before the village panchayats in the small affairs with which they will be called upon to deal, and we have made provision for their exclusion.

Clause 41.—In case the panchayat should experience difficulty in the absence of the necessary machinery in recovering fines, we have empowered the panchayat in case of need to invoke the assistance of a magistrate.

Clause 44.—We have in the last clause of the bill made provision for the disposal of the property of the panchayat on its ceasing to exist.

(Signed) IBRAHIM RAHIMTOOLA.
(„) T. J. STRANGMAN.
(„) C. N. SEDDON.
(„) HARILAL DESAIBHAI DESAI *(subject to a minute of dissent).*
(„) K. R. GODBOLE *(subject to a minute of dissent).*
(„) G. K. SATHE *(subject to a minute of dissent).*
(„) P. A. DESAI *(subject to a minute of dissent).*
(„) DULABAWA RAISINGJI *(subject to a minute of dissent).*
(„) D. V. BELVI.
(„) SHAIKH GHULAM HUSSEIN HIDAYATALLAH.
(„) S. D. GARUD *(subject to a minute of dissent).*

Bombay, 19th February 1920.

(Minute of dissent by the Honourable Rao Saheb Harilal Desaibhai Desai, LL.B.)

I am not convinced of the necessity of allowing the patel of a village to be an *ex-officio* member of a village panchayat. He is the last person in a village to wish the panchayat to prosper. If he is useful let him enter it through the door of election. If there is reason to fear that his chances to enter it through the vote of his neighbours are problematical, that itself is a justification to insist that he should be there through their franchise only. He would be put on his good behaviour if he has to rely upon the good will of the inhabitants of his village. To make him secure of his seat would be to provide no check on his undesirable ways. There would be either continuous friction between him and his colleagues, or the security of his seat would make the other members his slaves. His case stands on a different level from that of the talukdars, inamdars, jagirdars or khots. If at all any one deserves to be an *ex-officio* member of a panchayat it is the proprietory owner of a village or the senior among them, but not the patel.

2. I would altogether omit sub-clause (*a*) of clause 6. There should be no sex disqualification for membership of a panchayat. If the adult male residents want to elect a female member why should the legislation interpose a sex-bar to their choice? After the Legislative Council recommended the removal of the sex-bar from the Bombay City Municipal Act, it would be a

retrograde step to insert it in a fresh legislation of this character. At several places there are females who hold the *Matá*. They have a voice in the election of the patel; and they often act as patels through their deputies.

3. I cannot agree to confiscate the rights of women who at present enjoy the franchise to vote at the local board and municipal elections. I would therefore allow the voting franchise to adult females holding immovable property in their own right as well as to women who are literate in the sense of having passed the vernacular fourth standard.

4. As regards the duties and functions of the panchayat I would have preferred to make a provision empowering the Governor in Council to invest, at his discretion, judicial powers in petty civil and criminal cases; but as it is likely to delay the Bill, I would be satisfied if sub-clause (*d*) of clause 18 were amended by deleting the word "administrative" which stands before "duties" and by adding the words "and functions" after "duties". There is no need to place a positive limitation on the powers of His Excellency the Governor in Council to invest a panchayat with such powers.

5. Clause 23 had better be amended so as to enable the Governor in Council to place to the credit of the village fund "the proceeds of such incomes as may be assigned to it by any general or special order of the Governor in Council". Those who are aware of actual facts know that Government do not realise as much revenue under the head of miscellaneous receipts in villages such as assessed Government waste, trees, sand, kankar, etc., as the villagers themselves would do, if they had to manage and appropriate them for the village fund. If these were assigned to the village panchayats they would be a fat source of income to that body. Such an enabling provision would cause no harm; but if advantage were taken of it by Government at their discretion, the resources of the panchayats would be considerably improved. The statutory house tax may then be regulated according to local conditions so as not to press hard.

6. Lastly, I would like the operation of the bludgeon clause of supersession to follow, if need be, a dissolution and re-election of a defaulting panchayat.

HARILAL DESAIBHAI DESAI.

17th February 1920.

(Minute of dissent by the Honourable Dewan Bahadur K. R. Godbole.)

I consider that the Bill as amended by the Select Committee is defective in so far as it makes no provision for investing panchayats with judicial functions (for dealing with petty civil and criminal cases) as provided for in the Central Provinces Bill. This is a serious defect, but as the inclusion of judicial functions at this stage will throw back the Bill for over 12 months, I have agreed to sign the report on the understanding that a supplementary Bill authorising the Local Government to invest select panchayats in this Presidency with judicial functions will be coming before the Council in the near future.

(Signed) K. R. GODBOLE.

Poona, 18th February 1920.

(Minute of dissent by the Honourable Rao Bahadur G. K. Sathe, C.I.E.)

I do not intend to refer here to many points of details which we discussed in the Select Committee. The three main questions were (1) the presence of the officiating patil as an *ex-officio* member of the panchayat, (2) adult woman suffrage and (3) conferment of judicial powers in petty civil and criminal cases. The decision of the majority on the first two questions is mentioned in the main

report. The third point was fully debated in the Select Committee, but was not eventually put to vote as the chairman declared that the consideration of that subject was beyond the terms of the resolution by which the Bill was referred to the Select Committee. It was further stated that in case the question was pressed and carried by majority the Bill will have to be resubmitted to the Governor General under section 79 of the Government of India Act. This being so, members of the Select Committee could not formulate any definite proposals in this connection.

I am of opinion that the Bill should contain a separate chapter dealing with judicial functions. It is recognized that it may not be possible to invest every panchayat with such powers. The legislation may, therefore, be permissive and Government should have a free hand in selecting panchayats for the investiture of these powers. That such a provision will make panchayats living organizations, that it will bring justice at least in petty cases nearer to the homes of the people, that it will be less expensive to the litigants and that it will be a good training ground for the people, are amongst others principal points in favour of the view I take in this matter.

Some years ago the Government of Bombay also favoured this view. They had put forward a Bill on these lines. Moreover, the Government of India have in their resolutions of 1915 and 1918 (on Local Self-Government) expressed a favourable view on this subject. That the Governor General should under section 79 of the Government of India Act, sanction the introduction of bills authorizing panchayats to try petty civil and criminal cases in the Province of Bengal and in Central Provinces goes a long way in support of the view I have expressed above.

G. K. SATHE,
Additional Member of the
Legislative Council.

(Minute of dissent by the Honourable Mr. P. A. Desai, LL.B.)

1. I think, in Inam, Khoti, Jahagirdari and Talukdari villages, the senior Inamdar, senior Jahagirdar, senior Talukdar and the Managing Khot should, in substitution for the Patel be *ex-officio*, a member of the Panchayat. In Khoti villages, there is no Patel and the administrative experience which a Patel possesses in non-Khoti villages is possessed by the Khot and the part which would be played by the Patel in non-Khoti villages will be played by the Managing Khot in Khoti villages. In Inam, Jahagirdari and Talukdari villages, the presence of the Inamdars, Jahagirdars and Talukdars as *ex-officio* member will add to the weight and influence of the village Panchayat. I, therefore, think that necessary changes should be made in clause 5 of the Bill in this respect.

2. In clause 6, sub-clause (*a*), which disqualifies a female from becoming or continuing to be an elected member of the Panchayat should be deleted. When we are trying to remove a similar disqualification imposed upon females by other enactments such as the District Municipal Act and the City of Bombay Municipal Act, we should not impose a similar disqualification on females from serving on the village Panchayats. If the adult males of the village, having regard to the education and position of a female residing within the limits of the village, think that a particular female should be fit to serve on a Panchayat I think there should be no obstacle in the way of a competent female standing as a candidate in an election.

3. In clause 7, provision should be made to entitle females in whose names house-property stands in that village, to vote at the election. The chief source of income is the house-tax and it will be anomalous to tax the house-property of a female without giving her a right of representation and therefore in the case of such females, the franchise should be given to them.

4. In clause 18 an additional sub-clause should be added, imposing the duty of planting and maintaining road-side trees and trees for shade within the limits of the village on the village Panchayats, of course within the limit of the fund at its disposal. As the construction and maintenance of minor roads is a duty imposed on Panchayats, it is necessary that provision should be made for the planting road-side trees for the comfort of the villagers and travellers.

5. In clause 20 a sub-clause should be added empowering the Panchayats to supervise the inferior village servants. In villages, certain services are rendered by Mahars to ryots and it is advisable to invest the power of control of such village servants in the Panchayats as the members of the Panchayats being the residents of the village are in a position to know the duties and liabilities of such village servants and of the ryots so as to settle disputes and make the village servants to discharge their work properly.

6. In clause 26 a proviso should be added excluding the farm houses which are not the dwelling houses of the residents of a village and which are specially constructed for purposes of agriculture, from the imposition of a house-tax.

(Signed) P. A. DESAI.

(Minute of dissent by the Honourable Sardar Dulabawa Raisingji, Thakor of Kerwada.)

While I accept the Bill as an indication on the part of the Government of the desire to allow the people greater scope in the management of their concerns, I am very much in doubt if the people in general will accept it as such.

I am not in agreement with the line of taxation that is laid down in the Bill. Village people are not a very rich class of people and in these days of high prices for the daily necessities when it is difficult for a large number to find adequate suitable food and clothing, a direct taxation in the form of a house-tax will detract very considerably from the merit of the good will of the Government. Further when the legislation is applied there is infinite power for the enlargement of the scope for taxation, and I should not be surprised if within a short time of the application the new law became odious.

I think the better way would be for the Government to divert some of the already existing village revenue for the purposes of the new legislation and give them an opportunity to utilize the contribution in the best way they can. Direct taxation is always unwelcome and for the villagers to assimilate the idea that in getting their village huts taxed they are learning the art of self-government would be a severe struggle.

Coming to the details :—

Clause 5.—There is no need to make the village Patel an *ex-officio* member. Village Patels are not as a rule men with any education and a large lot of them are imbued with a spirit of partisanship and a majority of them would be unable to resist the temptation to please the powers that be. Provision should be made for the inclusion of Talukdar, Inamdar and Jagirdar in Inam or Talukdari villages, by legislation. At least they should have the right to nominate a member on the panchayat.

Clause 16.—Rights of private ownership over wells, tanks, etc., in Inam villages should be preserved from interference. Similarly in Clause 20 where the Talukdars or Inamdars already pay for the village servants, they should be protected from being called on to pay over again.

Clause 22.—Apart from the inadequacy of the sources of revenue shown in this clause, it is difficult to see how in the case of Talukdari and Inam villages, where the Talukdar or the Inamdar is the absolute proprietor of the trees, dust, etc., it is intended to derive the requisite money. I am assured by the

Chairman that the Bill will not be trenching upon the rights of proprietorship at present existing, yet it is necessary that the matter should be put beyond a doubt. We have a large number of Talukdari villages, and the Talukdars have full proprietary rights including ownership of mines, minerals and trees. *Vide* Administration Report of the Bombay Presidency for the year 1911-12, page 48.

I therefore urge that in the case of Talukdari and Inam villages before the Act is applied the consent of the owner of the village should be obtained and he should have the right to nominate a member on the panchayat.

Lastly there must exist in the Act a provision whereby it should be possible for a village to which the Act has been applied to apply to the Commissioner that the application of the Act to it should be withdrawn. As the various provisions at present stand once the application of the Act is made by certain authorities, those affected by the provisions thereof even if they do not find any advantage therefrom have to bear the burdens."

(Signed) DULABAWA RAISINGJI.

(*Minute of dissent by the Honourable Rao Bahadur S. D. Garud.*)

"I think--

(1) that the patel should not be an *ex-officio* member of the panchayat;

(2) that there should be no sex bar for voters or members of panchayats;

(3) that panchayats should be invested with Civil and Criminal powers in petty cases;

(4) that some heads of village revenue should be assigned to the panchayats."

(Signed) S. D. GARUD.

No. 186.

From

The Honourable MR. MONCRIEFF SMITH, C.I.E., I.C.S.,
Secretary to the Government of India,
Legislative Department;

To

THE SECRETARY TO THE GOVERNMENT OF BOMBAY,
Legal Department.

Dated Delhi, the 14th January 1920.

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. 1531 dated the 20th December 1919.

The Bombay Prevention of Gambling (Amendment) Law, 1919

I have the honour to be,
Sir,
Your obedient servant,

(Signed) H. M. SMITH,
Secretary to the Government of India.

To

HIS EXCELLENCY THE GOVERNOR OF BOMBAY IN COUNCIL,
BOMBAY.

May it please Your Excellency,

We the ryats humbly beg to submit the following objections to the new draft bill proposed by Government and to state our views as follows :—

1. The absence of constant railway or steamer communication in the Kanara district is notorious. The steamer communication exists for only 6 months of the year, and that also between the coast-talukas—the ports at which the steamers touch being only 4. Consequently, the people have mainly to depend on land conveyances such as country bullock carts, damnies and pony-tongas.

Even as regards these, during the monsoon-months, the traffic is very small as will appear from the municipal toll-fees levied on these conveyances between Honawar and Kumta.

2. In the South Kanara district, two kinds of conveyances are in vogue, *viz.*, (1) Two-wheeled one horse conveyances called Tongas and (2) Four-wheeled two horse conveyances known as Transits or "Jatkas". The former kinds carry four passengers excluding the driver and the latter eight passengers excluding the driver. It is worthy of note that the Public Conveyances Act is applicable in that district also.

3. The main objection to the Act being brought into force in this part of the district is the wretched state of the roads which are unfit for the horse conveyances. Besides, the hilly nature of the country makes these roads still worse. There are so many ups and downs on these roads that the ponies employed are hard put to it to pull these even light conveyances. With these natural disadvantages to face, any company will find it most difficult to carry on this sort of business successfully. If to these disadvantages are added the rigorous rules and provisions of the Public Conveyances Act, the adventurer is sure to come to grief in a few months.

4. One other fact may be noted. This Act is mainly intended for places of busy trade or commerce where a large number of conveyances and animals are employed. It is admitted on all hands that this part of the country is devoid of easy communications; and it may also be taken for granted that such artificial provisions as those contained in this Act serve to keep down the growth of any enterprise in the direction of opening up good communication.

The above are the general objections to the Act now in force. We now deal with the provisions in the proposed new bill, published in the *Bombay Government Gazette* dated 13th November 1919.

1. In the existing Act, a distinction is made between four-wheeled conveyances and two-wheeled conveyances. This distinction is sought to be done away with in the new bill. We submit that the distinction between four-wheeled and two-wheeled conveyances is necessary and ought to remain. Because four-wheeled conveyances are lighter in weight and therefore are easily drawn by ponies; and consequently can carry more passengers than two-wheeled conveyances can do.

2. As there are different classes of conveyances, section 13 of the existing Act should be retained.

3. There should be clearer rules about the classes of conveyances plying in a particular locality and these should be notified beforehand. Those that are not yet so notified should be given time before the Act is made applicable to such of them.

4. As low-paid police officials are always against these companies who make a living out of these conveyances, power should not be given them to arrest without warrant the driver except when such driver is guilty of a criminal offence. In other cases, a warrant from the Magistrate should first be obtained. Otherwise the companies and consequently the public will be at the mercy of these low-paid police officials. Serious loss to the company and much inconvenience to passengers will be the certain outcome if such power be given to the police constables.

5. When any offence against the Act is committed, the conveyances should not be attached nor should they be stopped while in motion, but for the period during which a Panchnama is being drawn up regarding the offence.

6. If horses or vehicles are found unfit, sufficient notice beforehand should be given to the company before any action is taken against them. Traffic should not be stopped pending arrival of new studs or vehicles.

7. Licenses should not be refused except for reasons stated in section 6, as otherwise the company which has already invested capital will be put to unnecessary loss.

8. Roads in the locality in which the Act is in force should be wide enough to admit two conveyances to pass and should be maintained in a fit condition. It is generally forgotten by the district officers while applying the provisions of this Act that the condition of the roads is as necessary to be looked at as the suitability of the studs or vehicles employed and that the former is as necessary for the convenience and comfort of the passengers as the latter.

9. Veterinary hospitals for treatment of ponies or other animals employed for these vehicles should be provided for before this Act is brought into force. It may be observed that in the coast talukas of this district not a single veterinary hospital is located.

10. Lastly, where there are very few licenses issued under the Act, the provisions of the Act should not be brought into force. The absence of a tolerable number of licenses indicates the failure of any such rules being worked successfully. It shows on the contrary that enterprise in this direction which ought to be encourged in this district which is wanting in good communications has been artificially checked.

Honawar,
8th December 1919.

(Signed) L. H. IDGUNJI,
and 39 others.

No. P.—587 of 1919-20.

From

RAO BAHADUR RAMANBHAI M. NILKANTH, B.A., L.L.B.,
President, Ahmedabad Municipality ;

To

THE SECRETARY TO THE LEGISLATIVE COUNCIL
OF HIS EXCELLENCY THE GOVERNOR OF BOMBAY, BOMBAY.

MUNICIPAL OFFICE :
Ahmedabad, 20th January 1920.

Sir,

I have the honour to state that I have been desired by the Ahmedabad Municipality to submit the following representation to the Legislative Council regarding Bill No. VIII of 1919, a Bill to amend the Law relating to the regulation of public conveyances which is before the Council.

2. Section 7 of the present Public Conveyances Act No. VI of 1863 (which is to be repealed and substituted by the measure proposed by Bill No. VIII of 1919), as it was originally enacted, provided *inter alia* that the balance of licensing fees levied under the Act "after all necessary contingent expenses shall have been defrayed shall from time to time be paid into the Bank of Bombay by the Commissioner of Police to the credit of the Municipal Commissioner of Bombay". This provision was repealed by Bombay Act No. III of 1886, but section 111 of the City of Bombay Municipal Act No. III of 1888 provides for such balance being credited to the Municipal fund held by the Bombay Corporation.

3. Section 34 of the said Act No. VI of 1863 which provides for the extension of the Act to moffusil towns enacted that "it shall be lawful in any such case for the Governor in Council to * * * * dispose of the balance of fees as may seem necessary". Under this provision Government issued standing orders to

the effect that the surplus fees of the Public Conveyance Fund shall be handed over to the Municipalities. The powers of the Governor in Council under this section were delegated to the Commissioner of the Division by Bombay Act No. III of 1915, but the standing orders referred to above have been maintained.

4. The present Bill contains no provision for the disposal of the balance of licensing fees. Clause 35 of the Bill, which like section 34 of the existing Act, provides for the extension of the Act to moffusil town omits the provision contained in the latter section giving authority for disposal of the balance of such fees. The power given by clause 34 to the Commissioner to make rules is confined to rules for the regulation of public conveyances. There is no provision in the Bill for making rules relating to such balance.

5. The Ahmedabad Municipality respectfully submits that the proposed law ought to contain a provision similar to that contained in section 111 of the City of Bombay Municipal Act, 1888, for such balance being credited to the municipal fund of the municipal district to which the proposed Act is extended after defraying from the fees the necessary expenditure incurred on account of public conveyances. The Municipality further prays, that the Act may similarly provide that fines levied under the Act should be credited to the municipal fund. Municipalities have to provide for carriage stands for public conveyances and to make sanitary arrangements relating thereto and it is but fair, that the balance of all such recoveries must go to the municipalities.

6. I have to request that you may be so good as to lay this representation before the Legislative Council.

7. This representation has been forwarded through the Collector of Ahmedabad and a duplicate is forwarded to you direct.

I have the honour to be,

Sir,

Your most obedient servant,

RAMANBHAI M. NILKANTH,

President, Ahmedabad Municipality.

To

His Excellency the Right Honourable

SIR GEORGE AMBROSE LLOYD, G.C.I.E., D.S.O.,

Governor and President-in-Council, Bombay.

May it please Your Excellency,

The Inamdars' Association, District Bijapur, begs to submit to Your Excellency's kind consideration the following representation in the matter of the proposed inauguration of panchayats in villages.

The Association notes with satisfaction the proposed inauguration of panchayats in the villages and they hope that the Village Panchayat Bill which is now before the Bombay Legislative Council, will soon pass into law with the necessary modifications. But much as the Inamdars care for the improvement of the conditions of the villages, they are equally anxious that they be given opportunities to work for the improvement of their Inam villages. The constitution of the panchayat, as provided in the Bill, however, ignores the position of the Inamdars altogether. For while making the officiating patel an *ex-officio* member of the panchayat, it does not give any similar position to the Inamdars.

The objects of the village panchayats are very dear to the Inamdars, and they will enthusiastically welcome the establishment of panchayats in their Inam villages. But in Inam villages the patels are only their servants so to say they being their deputies and the suggestion of the Association is that in

the Inam villages the Inamdars should be *ex-officio* members of the panchayats instead of the patels. To leave the Inamdars to the trial of election will serve only to dissuade the Inamdars from welcoming the panchayats to their villages and also from serving on them not to speak anything of the situation being derogatory to their position. The patels who are their servants should not be given the place of honour in preference to the Inamdars who are their masters.

The panchayats, in order to serve their object in Inam villages, must include the Inamdars on their board. For the Inamdars should be given the position which will enable them to use their existing influence for the good working of the panchayats in their villages. It is also desirable that they should be the Chairman of these panchayats in their villages.

For the foregoing reasons, the Association prays that Your Excellency will be pleased to incorporate in the Panchayat Act the necessary amendment which would satisfy the wishes of the Inamdars as indicated above.

For this act of kindness, we and our Association as in duty bound, shall ever pray.

We beg to subscribe ourselves,

Your Excellency,

Your Excellency's most humble servants,

(Signed) J. M. DESHPANDE,

20th January 1920. Honorary Secretary, Inamdars' Association, Bijapur.

Translation of a petition dated January 1920 to the address of the President of the Legislative Council of the Government of Bombay from Udeysingh Najabhai of Sanodar, Taluka Gogha, District Ahmedabad, and 22 other Talukdars of the Gogha and Dhandhuka Talukas of the Ahmedabad District.

Honoured Sir,

We, the undersigned, Talukdars of the Ahmedabad District beg to state as follows :—

We have come to know that the Village Panchayat Bill has been brought before the Legislative Council. We do not know whether it is applicable to Khalsa villages only or whether it is also applicable to Talukdari and other villages, over and above Khalsa villages. We are arranging to get copies of this Bill; but we have not yet received them. We cannot submit our representations with regard to this Bill until we get the Bill in our hands and understand its provisions. We have heard that the Bill has been referred to a Select Committee after having passed the first reading, and that sittings of the Select Committee are going to be held for the purpose. Therefore it is humble request that you will oblige us by resolving not to hold meetings of the Select Committee till we receive copies of the Gujarati translation of the Bill after it has been made and printed and till we prepare and submit our representations after studying the Bill.

The number of us Talukdars in the Ahmedabad District is very large and of them only very few know English. Therefore, it will not fail to strike Your Excellency also that Gujarati copies are quite necessary for us. Therefore we pray Your Excellency to kindly grant our above request and (thus) give us reasonable opportunity (to submit our representations).

Note.—Thirteen similar petitions have been received in all. Eleven from the following villages while two petitions do not bear the name of any village ;—

1. Aniali.	4. Kanotar.	7. Dholka.
2. Jaskar.	5. Kharad.	8. Parabdi.
3. Gangad.	6. Ghodhavi.	9. Tansa.

From

PARSHURAM ABAJI BHAT, ESQ., B.A., LL.B.,
Chairman, Managing Committee, Kolaba Zilla Sabha ;

To

THE SECRETARY TO THE GOVERNMENT OF BOMBAY
in the Legislative Department, Bombay.

Sir,

The Managing Committee of the Kolaba Zilla Sabha respectfully begs to submit the following representation in connection with the Village Panchayat Bill now before the Legislative Council of Bombay (Bill No. XI of 1919) with the hope that the same may be duly considered by His Excellency and the Legislative Council to which the Select Committee will soon submit its report. The Committee welcomes the bill inasmuch as the Kolaba Zilla Sabha at its sitting in Alibag in 1917 passed the following resolution, *viz.*, " that village panchayats should be constituted in this presidency, composed solely of elected members and invested with some authority in matters relating to health, irrigation, forests, and civil and criminal cases of a minor nature." The Committee, however, finds that the bill, as at present framed, does not satisfy the requirements of an effective and useful panchayat system and begs leave to submit a few important suggestions for consideration.

I. Section 3 in effect gives the power of instituting panchayats in villages to the Collector or the District Local Board. The Managing Committee submits that this procedure violates the principle of self-determination now respected all over the world. In particular to introduce this act in villages without the consent of villagers would be most irksome to them and it is felt that no good will accrue from compelling villagers to have the provisions of this bill applied to them against their wishes. It might be urged that this act will be a boon to villagers and might be applied to them without their consent. But it might be frankly stated that if the villagers have to impose a house-tax upon themselves and also other taxes since the Government and the District Local Boards are not going to supply the *whole* of the fund required for village purposes, Government has no right even to impose this boon in villages without their consent. They had managed to pull on so long without this boon and the Government interests had not particularly suffered on account of the absence of such a provision. At least henceforward no taxation should be imposed without the consent of those who are to be taxed and hence the Committee strongly but respectfully submits that section 3 should be somewhat as follows instead of the present one : "On the application of ten villagers *or* of the Taluka Local Board the Mamlatdar of the Taluka or some other independent officer (not above this rank) should convene a general meeting of all the adult male villagers in a village, the meeting being duly notified at least seven days before, and should explain to the meeting the provisions of the act and the duty and responsibility of the villagers and if the meeting by a majority of votes decides upon having the provisions of the act applied to the village, the Collector shall on a report to that effect declare the act applied to that village." The Committee thinks that the Commissioner of the Division should have nothing to do with this act and the Collector as little as possible. As, however, the Committee thinks that some respectable and responsible person should ascertain the wishes of the villagers, provision is suggested that the Mamlatdar should preside at the villagers' meeting.

II. The second suggestion which the Committee would venture to make is that the duration of the panchayats should at least be three years. Two years are insufficient for any body to show results in a continuous policy and moreover it is not advisable to throw a village into turmoil every second year.

III. The third suggestion which the Managing Committee begs to make is in connection with the powers of the panchayat. The Kolaba Zilla Sabha by its resolution above mentioned recommends that village panchayats should be invested with powers in connection with forests and also with civil and criminal matters. It is well known that villagers are usually troubled by the rules of the forest department. It is submitted that if village panchayats are utilized by the forest department and are invested with certain rights in forests, much of the friction now existing between villages and forest department will disappear and villages will be benefitted to a great extent. Nay village panchayats will be more and more popular than otherwise. As regards the judicial powers, the Committee thinks that at least some criminal powers should be given at the outset to these panchayats in certain minor specified offences. This will not only assure speedy and effective justice, but will also invest the position of a member of a village panchayat with some dignity which will act as an incentive to work in the cause of public weal.

It appears from the discussion in the Legislative Council on the first reading of the bill, that such powers are considered inadvisable by some members and notably by the mover of the bill, on the ground that factions exist almost in all villages and one faction getting elected on the panchayat might oppress its opponent. But this cannot be made a ground for denying the grant of useful powers. Moreover decisions of panchayats in cases under the Penal Code or other penal laws (not under bye-laws made under the Act) may be made subject to revision by the District or First Class Magistrate of the District and this would suffice to create a sense of responsibility in members of panchayats. As to procedure, it must of course be summary procedure under the Criminal Procedure Code. If Honorary Magistrates in town who are often not more educated than many well-to-do villagers can be entrusted with criminal powers, there should be very little objection to panchayats being invested with them.

IV. Lastly the Committee thinks that village panchayats should be at liberty to impose house-tax or not according to the condition of the village and the need of expenditure. A village composed of huts inhabited by poor villagers in whose hands money rarely comes, a house-tax may be very oppressive, but in another village inhabited by well-to-do people living in good houses, a house-tax may be collected without difficulty. It should be left entirely to the option of the village panchayat to impose any out of several specified taxes to the extent required by their needs. It should further be understood that District Local Boards should have no right to impose additional duties or to increase the burden of villagers or to increase any tax. The power of District Local Boards should be confined solely to inspection and they may have the power to cancel the appointment of any panch who is found to be obstructive or incompetent and the Collector, in case of gross abuse and complaint by villagers, may cancel a panchayat altogether.

The Managing Committee of the Kolaba Zilla Sabha hopes that this humble representation will be accorded favourable consideration by His Excellency the Governor as also by the Legislative Council when the bill as amended by the Select Committee comes before the Council for final disposal.

Dated this 14th day of February 1920.

We beg to remain,

Sir,

Your most obedient servants,

(Sd.) P. A. BHAT,
Chairman,
Managing Committee, Kolaba Zilla Sabha.

Office:
V. M. GOVILKER, Esq.,
Honorary Secretary,
Kolaba Zilla Sabha,
Fanaswadi, Jagannath's Chawl,
Bombay.

Answer to question No. 10 put by the Honourable Khan Bahadur Ebrahim Haroon Jaffer at the meeting of the Legislative Council held on the 7th July 1919.

THE HONOURABLE KHAN BAHADUR EBRAHIM HAROON JAFFER.

Question.	*Answer.*
10. (*a*) Will Government be pleased to state the number of Urdu Schools in municipal and local board areas in the 3 Divisions of the Presidency proper,	10. (*a*) 757.
Urdu Schools Statistics.	
(*b*) The number of school committees or school boards formed to assist the said schools,	(*b*) 618. There are 5 Local Board schools without school committees and steps are being taken to appoint them. A Municipality has one school board or a committee to control all its schools and hence the number of school committees is less than the number of the schools.
(*c*) And the number of those which have no Mahomedan representative?	(*c*) 24. Steps are being taken to appoint Mahomedan representatives on school committees where it is possible to do so.

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THURSDAY, 1st APRIL 1920.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Proceedings of the Council of the Governor of Bombay.

Journal of the Proceedings of the Legislative Council of the Governor of Bombay assembled under the provisions of the Government of India Act, 1915.

The Council assembled on Saturday, the 13th March 1920, at 12 noon, at the Council Hall, Secretariat, Bombay.

PRESENT.

His Excellency Sir GEORGE AMBROSE LLOYD, G.C.I.E., D.S.O., Governor of Bombay, *President.*

The Honourable Sir G. CARMICHAEL, K.C.S.I., I.C.S., *Vice-President.*

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

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

The Honourable the Advocate General (Sir THOMAS J. STRANGMAN, Kt.).

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

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

The Honourable Mr. RUPCHAND BILARAM, LL.B.

The Honourable Mr. R. H. BROOKE.

The Honourable Mr. SHERIFF DEVJI CANJI.

The Honourable Mr. F. CLAYTON.

The Honourable Mr. J. G. COVERNTON, C.I.E.

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

The Honourable Rao Saheb HARILAL DESAIBHAI DESAI, LL.B.

The Honourable Mr. R. E. ENTHOVEN, C.I.E., I.C.S.

The Honourable Major C. FERNANDES, M.D., F.C.P.S., I.M.S.

The Honourable Rao Bahadur SIDDHANATH DHONDDEV GARUD.

SUPPLEMENTARY QUESTIONS—THE ROYAL PROCLAMATION.

[*The President; Sir G. Carmichael; Shaikh Ghulam Hussein Hidayatallah.*] [13TH MARCH 1920.]

The Honourable Dewan Bahadur KASHINATH RAMCHANDRA GODBOLE.
The Honourable Mr. MAHOMEDBHOY HAJEEBHOY.
The Honourable Shaikh GHULAM HUSSEIN HIDAYATALLAH, LL.B.
The Honourable Mr. J. D. JENKINS.
The Honourable Mr. BALKRISHNA SITARAM KAMAT.
The Honourable Khan Bahadur PIR BAKSH walad MIAN MAHMUD, C.I.E.
The Honourable Mr. P. J. MEAD, C.I.E., I.C.S.
The Honourable Mr. CHUNILAL VIJBHUKHANDAS MEHTA, LL.B.
The Honourable Mr. LALUBHAI SAMALDAS MEHTA, C.I.E.
The Honourable Rao Bahadur VENKATESH SHRINIWAS NAIK.
The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE.
The Honourable Mr. GOKULDAS KAHANDAS PAREKH, LL.B.
The Honourable Sir DINSHAW MANOCKJEE PETIT, Bart.
The Honourable Mr. MUNMOHUNDASS RAMJI.
The Honourable Mr. L. ROBERTSON, C.S.I., I.C.S.
The Honourable Rao Bahadur GANESH KRISHNA SATHE, C.I.E.
The Honourable Mr. C. N. SEDDON, I.C.S.
The Honourable Mr. PHIROZE C. SETHNA, O.B.E.
The Honourable Mr. H. O. B. SHOUBRIDGE, M.Inst.C.E.
The Honourable Colonel J. B. SMITH, C.B., I.M.S.
The Honourable Mr. PURSHOTAMDAS THAKURDAS, C.I.E., M.B.E.
The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI.
The Honourable Mr. HARCHANDRAI VISHINDAS, C.I.E., LL.B.

The Honourable the Advocate General (Sir Thomas J. Strangman, Kt.), the Honourable Mr. R. E. Enthoven, the Honourable Mr. Rupchand Bilaram and the Honourable Mr. H. O. B. Shoubridge took the oath of allegiance to the Crown.

SUPPLEMENTARY QUESTIONS.

His Excellency the President:—Questions.

The numbers of questions were then called.

The Honourable Sir G. Carmichael:—Your Excellency,—As regards Question No. 7 (*d*) by the Honourable Mr. D. V. Belvi, the number of villages given is 5, but a report has just been received from the Collector of Dharwar in which he states that that number should be 9 and not 5.

His Excellency the President:—I think Council will desire that, in accordance with practice, the loyal resolutions Nos. 6, 9 and 10 should be taken before the current business of the House. I shall, therefore, call upon the mover of resolution No. 6 to move his resolution, and afterwards the mover of resolutions Nos. 9 and 11, and then put all the three resolutions to Council in order.

The Honourable Shaikh Ghulam Hussein Hidayatallah:—Your Excellency,—The resolution that stands in my name reads as follows:—

"This Council recommends to His Excellency the Governor in Council to convey to His Majesty the King-Emperor the humble loyalty and devotion of the Council to the person and throne of His Imperial Majesty, and its deep feelings of gratitude for the Royal Proclamation graciously expressing the Royal assent to the Government of India Bill and announcing the adoption of the great principle and policy of responsible Government for the Indian people."

This being the first meeting of the Council after the Royal Proclamation, I consider it our first duty to convey our loyal devotion and dutiful homage to our beloved Sovereign the King-Emperor. Our loyalty is unquestionable; therefore I need not dwell on it at great length.

Our next duty is to express our profound gratitude to His Majesty the King-Emperor for according his Royal assent to the Government of India Act which is going to be enforced shortly. This measure, your Excellency, constitutes a great landmark in the political history of India. (Hear, hear.) It inaugurates a great and good policy of responsibility in the sphere of administration. The measure has been acclaimed by people of all shades of opinion as a distinct step forward.

THE ROYAL PROCLAMATION—THE ROYAL PROCLAMATION; PROPOSED VISIT OF HIS ROYAL HIGHNESS THE PRINCE OF WALES—CONGRATULATIONS TO THE BRITISH PARLIAMENT, THE SECRETARY OF STATE, AND LORD SINHA.

[13TH MARCH 1920.] [*Shaikh Ghulam Hussein Hidayatallah; Mr. G. K. Parekh; Mr. G. M. Bhurgri.*]

Now, a word about the working of the new reforms. These reforms will be no good if both the people and the officials do not mean to make them a success. It is the co-operation on the part of both the people and the officials that will bring about the desired results. With these words I place my resolution before the Council.

The Honourable Mr. G. K. Parekh:—Your Excellency,—I heartily support the resolution that has been put before the Council by my honourable friend, and there are resolutions, Nos. 9 and 10, which stand in my name, and I also beg to move them. Resolution No. 9 runs thus:—

"That a message expressing the loyal and dutiful homage of the people of this Presidency be respectfully conveyed to His Majesty the King-Emperor and that the profound gratitude of the people be conveyed to His Majesty for His Gracious Proclamation of the 23rd December last and for giving his Royal assent to the Government of India Bill passed by Parliament and for his Royal condescension in announcing his intention to depute His Royal Highness the Prince of Wales to visit India as His Majesty's representative for the purpose of inaugurating the new constitution; and this Council tenders its respectful assurance to His Majesty the King-Emperor that His Royal Highness the Prince of Wales will receive a most cordial and enthusiastic welcome from the people of this Presidency."

Resolution No. 10 reads as follows:—

"That the warmest congratulations be conveyed to His Majesty's Government, to the Right Honourable Mr. E. S. Montagu, the Secretary of State for India, to the Right Honourable Lord Sinha of Raipur, the Under Secretary of State for India, and to the British Parliament on the successful passage of the Government of India Bill through the two Houses of Parliament, which measure the Council regards as a definite and substantial step towards the progressive realisation of responsible Government."

Your Excellency—In seconding the resolution that has been moved by my honourable friend Shaikh Ghulam Hussein, and in moving those that stand in my name, I submit that we are uttering the sentiments that prevail throughout the whole of this Presidency. I do not think many words are needed to commend this resolution to this Council. Your Excellency will note that it is the British Government that has qualified us for the gift that is now being given to us. They gave us education, they taught us history, and it would be remarkable if these things had not their effect upon our minds. They gave us liberal institutions, liberalised government at every step since the government was taken in hand by the Crown of England, and they have, not by large gifts showered at a time, but step by step, fitted and qualified us for the commencement of responsible government. Now we find that we are on the threshold of responsible government, though it may not be full, I trust all sides will respect His Majesty's wishes and try to co-operate and make this measure a full success, so that the people of India may get responsible government in course of time. We express our pleasure at the royal word that the heir-apparent to the throne of England is visiting India next winter for the purpose of inaugurating the Council of Princes and also the Reformed Councils, and I should think, Indian as I am, that the opening of these institutions by His Royal Highness augurs to us an immense success and I think that there will be co-operation between all the parties and between the different elements of Government so as to make the whole scheme a complete success. The members of the Royal House of England have always received the homage due to their high position from the people of India and I have not the least doubt that on this occasion India will not fail to do its duty.

My next resolution is in reference to the two great officers who had their share in passing the bill through the two Houses of Parliament, and we are greatly obliged to the Right Honourable Mr. Montagu for the immense trouble that he has taken in connection with the bill. Those of us who were in England bear testimony to the immense industry and the immense labour which he underwent for the purpose of getting this bill through Parliament (hear, hear), and I may say as well that we are indebted also to our countryman, Lord Sinha, for the way in which he carried the measure through the House of Lords. I trust that every party will follow His Majesty's advice and try to act in such a way as to render the measure a complete success.

The Honourable Mr. G. M. Bhurgri:—Your Excellency,—Having lost my voice, I did not intend to speak to-day, but I felt that it is my bounden duty not to vote silently on this resolution. As one who had closer insight into the work which Mr. Montagu had done in connection with the passing of the Government of India Bill, I feel I must say a word of

THE ROYAL PROCLAMATION; PROPOSED VISIT OF HIS ROYAL HIGHNESS THE PRINCE OF WALES—CONGRATULATIONS TO THE BRITISH PARLIAMENT, THE SECRETARY OF STATE, AND LORD SINHA—REVISED FINANCIAL STATEMENT.

[*Mr. G. M. Bhurgri; the President.*] [13TH MARCH 1920.]

appreciation, a word of thanks, to that great statesman and true friend of India. Sir, the difficulties which Mr. Montagu had to face and the courage with which he faced them are only to be fully appreciated when the veil is lifted from the proceedings which commenced with the pronouncement of His Majesty's Government in August 1917 and ended with the passing of the Government of India Bill. India, indeed, owes to him a deep debt of gratitude, and his name will always be remembered by her people with reverence and deep feelings of gratefulness.

Resolutions Nos. 6, 9 and 10 were then put to the vote and carried.

His Excellency the President:—The Council would doubtless desire that I should convey their loyal resolutions in the usual manner.

His Excellency the President:—Gentlemen,—This is, as you are all aware, the last budget of the present year before the Reforms Scheme. We have a large programme on this occasion before us—an unusually large one—both legislative as well as financial, and I do not propose to delay the proceedings by any very long remarks this morning. I regret that I personally shall not be able to attend every sitting of the Council during this session, as I shall be absent for a day or two, but I hope I may find the Council still sitting on my return. The Vice-President, Sir George Carmichael, will preside.

I think it is only due that we should express, and the Council will, I am sure, desire to express, our regret at the loss of a very loyal and devoted servant in the shape of Mr. Arthur who rendered very distinguished services to this Presidency in excise work for many years. Indeed, I am afraid there is no doubt that his death is entirely due to a break-down from overwork. It will ill-befit this Council if we did not recognise his great services or let this sad occasion pass by without an expression of that real regret which I am sure every honourable member of this Council will feel.

Well, gentlemen, the budget which is just going to be presented to you is, I think, a very satisfactory budget. I propose to run through a few figures which will bring to your notice the financial course which this Presidency has gone through in recent years.

Now, our total pre-war revenue, quinquennial average, was 731 lakhs (all the figures I give you will be in lakhs), whereas our present revenue is 1,174 lakhs, that is to say, in that short space of time there has been an increase of 60 per cent. That is a very remarkable figure. I am just picking out a few figures to summarise the main features to which I desire to draw the attention of honourable members. Our total expenditure, pre-war, was 706 lakhs; the same is now 1,267 lakhs, which is plus 79 per cent.

Turning to the main heads of revenue increases, we shall find that Excise, in the quinquennial period before the war, gave us a revenue of 164 lakhs and now gives us no less than 430 lakhs, which is again a very large increase. There are some important observations in the printed budget in this connection to which I would draw your attention, but I will not make any further reference to them on this occasion. Land Revenue, under the divided head, half Land Revenue, pre-war, gave us 207 lakhs, and now gives us 244 lakhs. The biggest *pro rata* increase is shown in Income Tax. Half Income Tax pre-war was 28 lakhs; it is now 185 lakhs, a source of income which, I think, has only just begun to be felt. The machinery for its collection is hardly yet established. It is an easy and valuable tax, and one which, I think, will show us increasing returns in the future.

Now, under the main heads of increased expenditure, we find that Land Revenue, pre-war, was 74 lakhs. Now, it is 137 lakhs, due to increases of establishment and the like. Police, pre-war, was 93 lakhs; now it is 164 lakhs, a very large increase, and an increase which is only exceeded by that of Education which pre-war was 55 lakhs, and is now no less than 149 lakhs, that is, an increase of 170 per cent., which is really a staggering figure, and which is larger than the increase on any one head.

Honourable members will perhaps be tempted, when they examine the budget figures, to look with somewhat greedy eyes at the closing balance of 4 crores and over. I would just like to say one word of caution as regards next year's budget with regard to that closing balance. It is not a cash balance, in which it would be advisable for every department to dip their ready hands, because on calculations we have made, if we maintain our present standards of expenditure and provide for famine expenditure, which at present, I think, is 35 lakhs, the whole of this 4 crores will be wiped out in 5 years' time. So, honourable members have to realise the enormous increases in cost of establishment, with which we are being deluged every day, which are not yet met. There will be delays in rates, delays in sanction, and so on, before all the subordinate departments and others are brought up to the necessary standard of to-day. But he would be a very unwise financier who looked

REVISED FINANCIAL STATEMENT.

[13TH MARCH 1920.] [*The President; Sir G. Carmichael.*]

upon our cash balances with anything but cautious eyes, in view of the heavy demands that have been made upon us at the present time.

There is also one other word of caution which I would like to say before I sit down, and that is with regard to Police. The police expenditure has increased, but, on the other hand, there is an increasing demand on all sides for larger establishments of police. Not only has the cost of the maintenance of the police increased in common with other establishments, but we are also faced with very heavy demands, especially in Bombay city, as a very much larger cadre of police should be established there. That is naturally a matter which in due course will have to be discussed in Council, and it does not arise to-day. But these very formidable demands made upon our revenues have to be noticed and watched.

We are also engaged, as honourable members are doubtless aware, in discussing with the Government of India the future financial relations between this Presidency and the Government of India to be, and we have to be very careful that the interests of this Presidency are as fully safeguarded as possible for the whole of the Reform period.

I think those are the only remarks which I desire to bring before you on this occasion, and I will now call upon my honourable colleague to introduce his budget statement.

The Honourable Sir G. Carmichael:—Your Excellency,—I have the honour to present to this Council the Revised Financial Statement for 1920-21. Copies of the Statement were sent out to honourable members on the 6th of March. I am sorry to hear that some members from Sind did not receive their copies until a very late date. His Excellency suggests that the Secretary of our Council overlooked the fact that there is an air mail between Bombay and Karachi which might have been used, so that honourable members living in Sind would have received their Financial Statement in time.

Copies have been placed on the table of the statement and also the memorandum showing the latest changes which have been made by the Government of India. In that memorandum you see certain changes made in the revised estimates for 1919-20, both on the revenue side and on the expenditure side, and similarly in the budget estimate for 1920-21.

Under Land Revenue, the cotton harvest of Gujarat has been later than expected, and, consequently, the collections have been delayed and we have received less in the current year. But the revenue will be received after March, between April and June. So, the shortage in the collection up to March in the revised estimate has been added to the budget estimates for 1920-21.

His Excellency has referred to the Police expenditure. The memorandum shows that a comparatively large sum of 2½ lakhs has been added, as required, for police expenditure in Bombay and in Sind. These new proposals are necessary in view of the increased cost of living. This brings the total of police expenditure up to 1,69.

The statement has been prepared in a form which I hope has enabled honourable members, who have received it in time, to obtain a clearer view of the general financial position as also all the details under each major head, the increases on the revenue side and of the various objects on which expenditure is being incurred.

In Part II of the Statement I have endeavoured to set out the salient features of the general financial position of the Presidency, and I take it that honourable members will hardly expect that I should go over the ground again. On the revenue side the marked feature is the satisfactory expansion which has occurred under the main revenue heads. This is shown in paragraph 5 on page 4. The largest increase, I should say, has occurred under Income Tax, of which provincial gets a half share, subject of course to a large deduction on account of the transfer to Imperial of that portion of the revenue which comes from the increased rates of taxation imposed in 1916. This amounts to 89 lakhs altogether, but is subject to a reduction of 6½ lakhs on account of payment made to us by the Government of India to cover the loss of our provincial half share, due to the introduction of the excess profits tax, and also the loss due to the recent raising of the limit of taxation to Rs. 2,000, as it is now.

On the expenditure side, as honourable members will see, we are faced with a very large increase of expenditure on establishments of all kinds. Specific provisions are shown on pages 6 and 7, and there is also a lump provision of Rs. 20 lakhs under the Land Revenue head. The Government of Bombay had proposed to postpone the permanent revision of establishments until normal conditions had returned. It was expected that after the war prices would fall. That, as we all know, has not occurred and, instead,

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the economic stress has been greater than before and it has been decided to undertake the permanent revision of our establishments. So far as the examination has gone, it appears not unlikely that we shall have to spend considerably more than the amount that has been provided in the budget, than the 20 lakhs for which provision has been made under Land Revenue.

His Excellency explained matters with regard to balances. Our balance, subject to the corrections made in the memorandum of 12th March, on March 31st 1921, is 3,89 lakhs.

There is one further point in addition to those to which His Excellency referred and that is that the Government of India have suggested that we should take over our Provincial Loans and Advances account and finance it in future, that is, the loans to cultivators on account of *tagavi*, loans to municipalities, loans to local boards, to landholders, and miscellaneous loans. The balance outstanding on the 31st of March is estimated at about 3,15 lakhs. Now, if we were to take over the whole of the balance, we should of course save the interest charges. We pay interest at various rates ranging from 3½ per cent. to 5½ per cent., and a small amount is interest free. To take over the whole of the account would mean locking up the larger part of the provincial balances. This might unduly hamper our operations in future. We might be unable, for instance, to finance our famine expenditure. We shall have, when the new Government comes into being, to make the whole provision ourselves for large irrigation works. Of these, we have in view a very large project in the Sukkur barrage scheme.

Further, there are schemes for the development of Bombay for which money will have to be found. No actual decision has been taken of how much our Loans and Advances account we should take over. It may not be the whole at first. It will probably begin with the sum of about one crore of rupees. If the years are good, if we get good harvests, the outstanding of three crores will diminish of itself by repayment from the cultivators who have borrowed the money. The balance stands at present at an unusually high figure. We are so close on the failure of the monsoon of 1918, when large sums were given out for *tagavi*. But the experience of giving out large sums for *tagavi* in 1911 and 1912, two bad years, and again in 1915, has been that *tagavi* is repaid very promptly, so that the balance of the three crores fifteen lakhs provincial Loans and Advances account will be greatly reduced if we have the good furtune to have a succession of two or three years of good harvest.

Before I conclude, I wish to thank the members of the Finance Committee for their helpful and businesslike manner in examining the proposals, and I also wish to thank the Honourable Mr. Mead and those who worked with him for the very efficient performance of what was a most laborious task in getting together the figures for the budget.

The Honourable Mr. G. S. Curtis:—We have now to consider detailed heads.

As regards Land Revenue honourable members will notice that the revised estimate for 1919-20 contemplates collection of revenue amounting to 4 crores 95 lakhs of rupees. The budget estimate for 1920-21 is 10 lakhs higher or 5 crores and 15 lakhs of rupees. The figures are very high but contain amounts due on account of assessment suspended during the scarcity year 1918-19. Provision is made for remissions to the extent of 11 lakhs 98 thousand in 1919-20 and 8 lakhs 3 thousand in 1920-21. It is estimated that the arrears will at the end of the year 1920-21 be reduced to 31 lakhs 11 thousand. These estimates are based on the assumption that the season in 1920-21 will at least be a normal one. Should it prove otherwise, it is possible that the estimates may prove excessive.

On the expenditure side the budget estimate for 1920-21 shows a large increase. This is mainly due to a lump sum provision of 20 lakhs of rupees made for the purpose of increasing or revising the pay of subordinate establishments in various departments. The continuance of the high prices of the necessaries of life and the general expenses of living have forced Government to the conclusion that considerable revisions are necessary. Schemes for the revision of the pay of subordinate establishments are therefore in process of consideration.

The next provision of importance is one of 7½ lakhs of rupees for expenditure connected with the Reform Scheme. At present these charges are, it is proposed, to be debited to the provincial budget.

The third item of interest is the provision of 5 lakhs of rupees for the establishment of the directorate of development with large powers to undertake schemes for the development of greater Bombay and for the co-ordination of the work of local authorities and public bodies. Proposals to this end have been submitted to higher authorities and it is hoped sanction will be received shortly.

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As regards Head IV, Stamps, this head is not open to discussion in a Provincial Legislative Council. It would be sufficient to note that the budget estimate for 1920-21 shows an increase of 43 lakhs over that of 1919-20 of which the provincial share is one-half. The figures are an eloquent proof of the commercial activity of our great cities.

As regards excise head, the budget estimate for 1920-21 amounts to 4 crores and 30 lakhs or 35 lakhs above the budget estimate of 1919-1920. Of this amount Rs. 32,10,000 are under the sub-head 'License' and 'Still-head fees' for sale of liquors and drugs. Revenue under this head continues to expand notwithstanding that consumption of liquor shows a tendency to decline.

As regards the expenditure side, considerable difficulties have been experienced during the past year by the manufacturers of country spirit in obtaining the raw materials necessary for distillation. Owing to the almost total failure of the *mhowra* crop in 1919 the price of *mhowra* flowers has risen enormously and in some places it has been impossible to obtain them. The contract of Messrs. Carew and Company, for the supply of Bombay city, Surat, Thana and Kolaba expires on the 31st of this month. It will not be renewed. In view, however, of the fact that *mhowra* is almost unobtainable and that it would have been necessary to call for tenders in November or December last, Government decided to postpone the date of the commencement of the new contract to the 1st of August and call for tenders during the present month when it is hoped that intending tenderers would be able to obtain information as to the prospects of the coming crop. It has consequently been necessary to arrange departmentally for the supply of spirit from the 1st of April to 31st of July. Eight lakhs of proof gallons of spirit has accordingly been obtained from Messrs. Parry & Co. of Madras and Messrs. Arratoon of Bombay at a total cost of Rs. 16,87,500. Of this sum 8 lakhs will be recoverable from shop-keepers, and the balance would be debitable to the provincial budget. A provision of 9 lakhs of rupees has accordingly been made. A further consequence of the failure of *mhowra* crop has been that it has been necessary to make advances to the distilling contractors to enable them to meet the enormously enhanced cost of raw materials. A total sum of 7 lakhs 39 thousand has been advanced to various distilling contractors on the understanding that their accounts are to be examined at the end of March 1920. When this is done, due regard will be had to the question what has been the profit or loss of individual contractors during the whole period of their contract. Should it be found that the loss sustained by the contractors, owing to the rise in the price of raw materials and the impossibility of obtaining machinery owing to the war, has been crippling, these advances will not be recovered.

The budget further provides for the amalgamation and the reorganization and increase of the staff of the Departments of Salt and Excise. The effect of this scheme will be, it is hoped, to improve the prospects of the combined service and attract to its ranks men of superior education and probity. With the rise and importance of excise revenue, which, from the provincial point of view, is by far the most important revenue head in the budget, it becomes increasingly necessary to ensure a high standard of efficiency among the staff to whom the administration is confided.

His Excellency the President:—Resolution No. 1. The Honourable Rao Bahadur S. D. Garud.

The Honourable Rao Bahadur S. D. Garud:—Your Excellency,—The resolution that stands in my name reads as follows:—

"Omit item 22 under excise in the Draft Financial Statement."

The provision of nine lakhs under this item has been made because the contract of the company comes to an end on the 31st of March 1920. It is difficult to understand why Government do not allow another contract to begin immediately after the 31st of March 1920. It is said that they are waiting to see the nature of the *mhowra* crop. All our budget expenditure is based on the assumption that the next year is going to be normal. We, therefore, ought to give out this contract on the assumption that the next *mhowra* crop will be normal. If we find after August 31st that the *mhowra* crop has not been normal, then Government can easily make up any loss that the contractors might suffer by making such remission as Government may think necessary. But it certainly is not advisable to undertake the running of this contract as a Governmental department, merely

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because we are not quite sure whether the *mhowra* crop will or will not be normal. I submit this is not the only item which will be affected if the monsoon is not normal. I believe estimates have been made on the assumption that it will be a normal year. If it does not prove to be a normal year and the *mhowra* crop does not happen to be good, then we might consider their case. I submit, therefore, that this expenditure be dropped and the contract be given out at once and not unnecessarily delayed.

The Honourable Mr. Purshotamdas Thakurdas:—Your Excellency,—I rise to oppose the resolution moved by the Honourable Rao Bahadur S. D. Garud. It appears that the Honourable Rao Bahadur Garud overlooks that last year was a year of famine, when there was no *mhowra* crop, and it is not that Government are going in for this departmental work from 31st March till 31st August out of mere curiosity. If the Council will only read the remarks against item No. 22, they will see for themselves what arrangements have already been made for the supply departmentally of spirit to the areas in question. The last season was a poor one, as far as the supply of *mhowra* was concerned, and Government had to go as far as Madras and Java to get molasses, or rather to replace *mhowra* by molasses, to keep up the supply of liquor, and very high fees were taken from various shopkeepers at auction sales of shops. I am sure that Government cannot be expected to take a rosy view of things when there is nothing to base such a rosy view on for the following year. The remark referred to says that:

"New contracts will be entered into from 1st August 1920 because the next few months will help both the contractors and Government exactly to know how the question of the supply of *mhowra* will stand then."

I do not, therefore, see how it will be possible for this Council to say that this amount should not be passed.

The Honourable Mr. G. S. Curtis:—The Honourable Mr. Purshotamdas has, I think, put the case very correctly. The position is that last year's *mhowra* crop was a complete failure and, as the contract expires on 31st March, it would have been necessary to call tendtrs on the 30th November. It is quite clear that, if Government had done so, the contractors would have been unable to obtain *mhowra* at a very high price indeed. It is quite possible that the state of expenditure which this grant has provided might have become permanent and cause the administration a great harm. I would say that Government would have been put to an immense amount of worry and trouble of all sorts. It is very much simpler to pass on from contracts expired on 31st March to the new contracts of the 1st April. Government considers all this may be postponed till the settlement of the question of the supply of liquor. Accordingly, it was arranged departmentally for 4 months to postpone the actual commencement until 1st of April. Owing to the peculiar condition prevailing in the market of raw material, the actual cost of liquor has increased rather more than 125 per cent. On the other hand, shops were disposed of to obtain extra cost from shopkeepers. The total amount of 60 lakhs of rupees had been entered into by Government with these two firms. It is not possible for Government to go back upon the contract unless this Government has to acknowledge bankruptcy. These bills, when they are presented, must be provided in the budget. I ask the Council not to accept this resolution.

The Honourable Rao Bahadur S. D. Garud:—Your Excellency,—We are incurring this expenditure before ascertaining what the tenders are. We have not asked for tenders. All this expenditure is to be incurred on the assumption that the tenders may not be what we expect them to be.

The Honourable Mr. G. S. Curtis:—I rise to a point of order. Tenders have been asked for on Monday, the 15th March.

The Honourable Rao Bahadur S. D. Garud:—Yes, but I think I am correct in saying that this assumption has been made before the tenders have been received and before the tenders have been considered. We are told that the liquor must be supplied to the licensees at the contract rate and a deficit of 8 lakhs must be incurred in that transaction. The licensees are now permitted to charge what price they can realize. These prices have already gone up very high. Formerly a quart of country liquor used to cost Re. 0-10-0 and now it costs, I am told, Rs. 2-8-0. This difference in the price leaves an ample margin to the licensee and he must be asked to make good any increase in the cost price of liquor. We are therefore not justified in not calling for tenders and in working departmentally. I therefore submit that the provision is unnecessary.

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His Excellency the President:—The Honourable Rao Bahadur Garud did not realise a very simple commercial point. The provision for 8 lakhs proof gallons means Rs. 9 lakhs or more, since, whereas it was estimated that liquor would cost Re. 1-1-0, it now appears that on an average the cost will be well over Rs. 2. The sum is a simple one. I think the honourable member must remember, whether it is fortunate or unfortunate, that Government was not aware of the unforeseen rise in the cost of raw material on account of the war. Thy new system introduced has worked well and, on the revenue side, Government have secured very large profits. I think questions of this character, which are entirely due to the rise in the cost of raw materials, should be dealt with in a sympathetic manner.

The resolution was put to the vote and lost.

His Excellency the President: –Resolution No. 2. The Honourable Rao Saheb Desai.

The Honourable Rao Saheb H. D. Desai:—Your Excellency,—The resolution that stands in my name reads thus :—

"This Council recommends to His Excellency the Governor in Council that the provision of Rs. 9,00,000 contained in item No. 22 in Statement B of the Draft Financial Statement for 1920-21, relating to the expenditure in connection with the supply of country spirit to licensed retail vendors in certain areas in the Presidency proper, be changed to Rs. 3,00,000."

The honourable members will turn to this draft financial statement at page 7, item 22, under the head " Remarks ".

" The contract of Messrs. Carew and Company for the supply of country spirit in the town and island of Bombay, the districts of Surat, Thana and Kolaba and the Dangs expires on 31st March 1920. It has been decided to enter into new contracts with effect from 1st August 1920 as this course will enable would-be tenderers to have full information regarding the prospects of the new *mhowra* crop, and thus tender supply rates favourable to Government. Arrangements, therefore, will have to be made for the supply departmentally of spirit to the areas in question from 1st April to 31st July 1920, and a quantity sufficient for one month's supply from 1st August 1920 will have to be handed over to the new contractors. It has, accordingly, been decided to obtain 800,000 proof gallons from Messrs. Parry & Co. of Madras and Messrs. Arratoon & Co. of Bombay as shown below :—

From Messrs, Parry & Co.

300,000 proof gallons at Re. 1-12-0 per proof gallon.

300,000 proof gallons at Rs. 2-8-0 per proof gallon."

Lower down, you find a provision of one and a half lakhs for railway freight which would give six lakhs gallons at four annas per gallon. Thus, the average rate at which it is proposed to purchase six lakhs of gallons comes to Rs. 2-6-0 as against Re. 1-5-0, the rate of Messrs. Arratoon & Co. In the first instance, may I submit that eight lakhs of gallons are not required? The total consumption of country liquor in the Presidency proper is 26 lakhs gallons. The area in charge of Messrs. Parry & Co., is about half, that is, the requirement is less than 12 lakhs and a half gallons. Thus the rate per month is one lakh gallons. Secondly, the other contractors have continued their supply and will continue it, and we find from the report of this Government on the administration of excise that consumption of country spirit is decreasing and the revenue is increasing. I may say, by the bye, that the consumption of foreign liquor is increasing. Now, therefore, if we look to the requirements as shown above, it is five lakhs of gallons only. Now, two lakhs of gallons you are to have from Messrs. Arratoon at Re. 1-5-0 per gallon. You can have three lakhs gallons from Parry & Co., at Re. 1-12-0 per gallon: so that the amount at that rate *plus* the railway freight will be Rs. 3,62,500. The first question is, why give exorbitant rates to Messrs. Parry & Co., as compared with Messrs. Arratoon & Co. And the next question is, whether it is not possible to obtain from Messrs. Arratoon & Co. all the required quantity and have all Java imported spirit. There is very likely every reason to believe they would have given it at the rate of Re. 1-5-0 and the amount, in that case, would have been Rs. 1,56,250. I am deducting the amount which would be recovered from licensed retailers in all these calculations. Even if you add four annas per gallon for carriage, the amount would be Rs. 2,31,200. Even at the rate of Re. 1-12-0 per gallon the cost will come to Rs. 2,87,500 and not more. Hence, the item of three lakhs is proposed to be substituted in place of 9 lakhs. I would just refer to past events, when Messrs. Carew & Co. were introduced into the excise system. Messrs. Carew & Co. have been contractors by selection and not by open competition. If you

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refer to the rates allowed to Messrs. Carew & Co., we find that while other contractors are to supply.....

The Honourable Mr. G. S. Curtis :—I rise to a point of order, whether the honourable member is in order in referring to rates given two or three years ago.

His Excellency the President:—The honourable member may proceed.

The Honourable Rao Saheb H. D. Desai:—What I am going to submit is that the rates given to Messrs. Carew & Co. were higher than the rates of other contractors. They range from Re. 1 to Re. 1-3-0 while the rates to many of them are less than one rupee.

The next reason that is given in reply to the last resolution is that they did not call any tenders in December last because they feared perhaps the rates would be unfavourable to Government. I beg to submit that for so many years the financial year for the contract has been from April and no attempt has been made to change the financial year from August to July. The same official year is kept up and yet it is said that tenders were not called for in December because it was feared that the tenders would be high. I respectfully submit, what right have you to assume that the rates would have been high. If an attempt, as was the practice, to call for tenders had been made, the case would have been on firmer ground.

Secondly, the monsoon of 1918 had failed and, consequently, *mhowra* was not sufficient, but not the monsoon of 1919; and for many years contractors have been tendering in December and it has never been said that it is very great inconvenience to them; because they have to give tenders after knowing what the monsoon was. They usually give tenders in December and they had sufficient intimation as to the nature of the monsoon whether it was favourable or not. Under these circumstances, I do not see any reason or justification for not inviting any tenders at the usual time.

Let us see whether they are justified in asking to allow a provision of nine lakhs. Whatever may have been the tenders, the rates would never have been so unfavourable as this one of nine lakhs for departmental supply. Government are in a wrong box. It may be a *bonâ fide* assumption to say that the rates would have been unfavourable; but certainly a lay mind is apt to put things in juxtaposition and to say, if tenders had been invited Messrs. Carew & Co. would have lost their contract. Government have failed to invite tenders and, at the same time, are making arrangements for departmental supply. I really do not see why Government have laid themselves open to this construction by not having invited tenders, as was the usual practice to do. At one time, while I was in the financial committee, I was inclined to approach this item as the Honourable Rao Bahadur Garud treated his resoluion.

But I then thought that a mistake was committed and as somehow the supply was to be made and, consequently, some arrangement had to be entered into, so I concluded that it was no use moving the Council for dropping the item altogether, and I am restricting my demand to as little an amount as is required and not further. Consequently I have moved for a change of the item from nine lakhs to three lakhs. At one time, it also occurred to me whether it would not have been possible to get the distillery at Surat to work for four months for the purpose of getting a supply, because, if you do not work the machinery, we have to dispense with the men and they are to be employed again in August or the beginning of September. Consequently, if arrangements had been made partly to get Java spirit at Re. 1-5-0 per gallon and if, at that rate, two lakhs of gallons had been obtained and for the rest if arrangements had been made to work the Government distillery at Surat, then it would not have been necessary to provide such a large sum. But it may, perhaps, be said that the machinery at Surat requires rest and overhauling and, consequently, that also is out of the question.

Under these circumstances, I have moved this resolution for the substitution of three lakhs for nine lakhs, as that is the amount which is absolutely necessary. Government did not make an effort to get Java spirit at the same rate at which Messrs. Arratoon & Co. get it. Even if they purchase it from Messrs. Parry & Co., they would not be requiring more than three lakhs of rupees. And I respectfully submit that, in any case, the fact that no tenders have been invited and matters have been simply assumed, looks nothing less than an administrative muddle, to say the least.

I submit, lastly, that when a contractor has come in by selection and is enjoying more favourable terms than others, when Government do not propose to change the official year from April to March, to August or to July, and when Government do not take care to invite tenders at the right time and proceed simply on the assumption that if the tenders were invited they would be unfavourable to Government, when all this happens and when there is such a large difference between the rates at which Messrs.

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Arratoon & Co., supplies and the rate at which it is proposed to get country spirit from Messrs. Parry & Co., I think it would be in public interest that we at least provide for the sum which was required and no further, because, in that case, it may be possible for us to make provision for other important matters referred to in other resolutions.

In leaving this matter in the hands of the Council I do recognise that the head of excise is an important head of revenue, but, at the same time, it is our business to see that no undue tenderness is extended to any particular contractors or money is sought to be put into their pockets or their position is improved.

The Honourable Mr. Purshotamdas Thakurdas:—Your Excellency,—I have very few words to add to the debate on the resolution moved by the Honourable Rao Saheb Desai.

Perhaps the Honourable Rao Saheb Desai remembers that the Honourable Member in Charge at the Finance Committee showed us that all efforts were made to get molasses from Java and Madras at the best rates available. It was also mentioned that special facilities had to be requisitioned from the Government of India for the purpose of additional charges in the shape of customs duty to get molasses from Java. The Government of India said, I understand, that Imperial customs shall not pay for the sake of the excise revenue of the Bombay Presidency. However, the Bombay Government persisted in their attempt and suceeded eventually. Otherwise we would have seen this item at a much higher figure than that put down in the Financial Statement.

One interesting feature of the discussion that we have had and which struck me is that the Honourable Rao Bahadur Garud in his reply said "Why pay anything out of public revenue, why not compel the retail vendor to try and get that additional amount out of his customers?" Your Excellency gave a reply to that argument in the course of the few pithy remarks that your Excellency made in closing the debate on the last resolution.

The Honourable Rao Saheb Desai says he would not like the price of country liquor to be put very high because that will stimulate competition with foreign liquor. I do not know whether the Honourable Rao Saheb Desai is going to advocate Swadeshism in excise matters too. I think, if on no other grounds, but merely on the ground of business and commonsense, it is best to keep the price of liquor reasonably low and not risk having it replaced by foreign liquor. My views on this question are known to the Council and I am quite prepared to vote in favour of any member who brings up a suggestion regarding temperance. But that, perhaps, is a different question. All that I want to bring to the notice of the Council is that so far as my information is concerned—and I have made pretty full inquiries — the Government in last December did not ask for tenders for the supply of *mhowra* because even Messrs. Arratoon and Parry had to be given by the Government of India special facilities for their supply from abroad, *e.g.*, through the shipping controller, etc.

Under these circumstances, I am opposed to the resolution.

The Honourable Mr. Lalubhai Samaldas Mehta:—Your Excellency.— Not being a member of the Finance Committee, I am not in a position to have all the information that my honourable friend Mr. Purshotamdas has. I base my remarks on the information that is available from the draft and the revised financial budget as well as on the figures given by the Honourable Member in Charge, while replying to the Honourable Rao Bahadur Garud. In reply to the Honourable Rao Bahadur Garud's resolution the Honourable Mr. Curtis said that the transaction with Parry Brothers and Messrs. Arratoon & Co., has been completed and that to go back upon these things is practically to accept bankruptcy and I hoped that my friend the Honourable Rao Bahadur Desai would have seen his way to withdraw this resolution. However, as the resolution has been moved, I feel that the Council would like to have some more information on the subject and I desire to put before the Council my views on the subject.

The Honourable Rao Bahadur Desai says that Government ought to have asked for tenders in December and, if they had not been successful in getting tenders then, and then only, they should have carried on the distillery work departmentally. If they had found that this would not be better financially then they could have very well entered into contract with Parry and Arratoon. But, as it is, we have to take it that Government did make inquiry privately and found that it was perhaps more profitable to enter into an arrangement with these people. But, if tenders had been openly invited and the figures had been put before the Council, this misunderstanding would not have arisen.

There is one other point to which I want to draw the Council's attention. The Honourable Rao Bahadur Desai says that the method of working the distilleries departmentally was adopted to help Carew & Co. I do not think the inference drawn by the

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Honourable Rao Saheb Desai is correct; as a matter of fact, I have reasons to believe that Carew & Co. are not satisfied with the treatment they have received and they think that they have a grievance against Government. In this connection I would like to know if Carew & Co. were approached to continue the work for four or five months and to find out if that method would have been less costly than the method of carrying on the work departmentally. That is the only question which I would like to ask the Honourable Member in Charge. But, beyond that, after what the Honourable Mr. Curtis has said, I think we must support him as we cannot ask Government to go back on their promise of help.

The Honourable Mr. B. S. Kamat:—May it please your Excellency,—I am not quite convinced, even after the explanation that has been given, whether it is right and proper that the provincial finances should bear this item of nine lakhs of rupees for helping the retail vendors of liquor. Knowing something about the history of this contract given to Messrs. Carew and Company, from a reply given to me about two years ago in this Council, it seems to me that the whole affair is a deplorable muddle. At that time, tenders were before Government from the old distillery contractors at Uran offering to supply liquor at a rate of Re. 1-2-0 per gallon. If Gvernment had accepted that tender, then probably we should not have been in a position of purchasing liquor at the rate of Rs. 2-8-0 at the present moment. And therefore I think that, in the first place, when Government were not prepared. . . . .

The Honourable Mr. G. S. Curtis:— I am sorry to interrupt the honourable member, but he has made a statement which I cannot verify, but which, as far as I know, is incorrect. Messrs. Carew & Co.'s contract expires on the 31st March 1920. There is no contract till the 31st of March 1921.

The Honourable Mr. B. S. Kamat:—I did not say that. There was an offer made to Government by the Uran distillers offering to supply liquor at a much lower rate. Here is the volume of the Council proceedings of 1918, and it is stated, in answer to my question at the Council Meeting in September, that the Uran distillers had made three alternative proposals, namely, a nine years' contract at the rate of 15 annas, or a six years' contract at the rate of 17 annas, or a three years' contract at the rate of 18 annas, *i.e.*, Re. 1-2-0. My contention is that if, as a business proposition, when Government were not prepared to proceed with their distilling plant at Deolali, they had accepted the contract for three years from 1918 at the rate of Re. 1-2-0, we could have saved all this loss.

Now the second question is, as the Honourable Rao Saheb Desai has pointed out, were actual tenders invited with a view to gauge what would be the rates likely to be obtained from the 1st of April 1920? I understand no tenders were invited last December. So I think the Council has got some grounds to feel that we are asked to accept an arbitrary figure. If tenders had been called for, we should have been in a position to know what were the rates offered by the different distillers. But now we are proceeding entirely on an arbitrary basis in providing nine lakhs of rupees for loss based on rates of Rs. 2-8-0 fixed without tenders. Government have entered into a contract at rates which were fixed on an arbitrary basis, and therefore I think the Council has some justification if they have a feeling of complaint or grievance that this sum of nine lakhs has been fixed in a more or less arbitrary manner. Of course, I can understand payment of extra rate in abnormal times, but I do not quite understand why Government entered into contracts at certain high rates with the Madras firms before they had any idea of rates obtainable locally. The grievance is in a way justifiable, although I do admit that some sort of compensation is desirable for the retail vendors.

The Honourable Mr. G. S. Curtis:—May it please your Excellency,—In an old-fashioned novel I once saw a fancy picture of an Indian administrator's life. Most of his days were spent in a long arm-chair smoking a *hookah*, his only business being to sign papers for a horde of underlings before retiring to slumber in the early afternoon. That picture of an Indian administrator's life occurs to me when I see the Honourable Rao Saheb Desai making the remarks he did. According to him all that the Revenue Member of Council has to do in giving out liquor contracts is to say to Messrs. Parry and Co. "You take three lakhs of gallons": to Messrs. Arratoon "You take five" and the liquor will then be forthcoming at rock-bottom prices without any further trouble.

Your Excellency, it gives me some satisfaction to feel that perhaps twelve months hence, when this budget will be discussed, it will not be a member of the civil service who

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will have to answer for excise. The members of the civil service entrenched in reserved subjects will smile when they find an Indian minister having to answer for such a position. For all we know, it is just possible that the Honourable Rao Saheb Desai himself may have to answer as the Indian Minister in Charge.

Your Excellency, I venture to think, from the remarks of the members who have spoken this morning, that the Council perhaps has not realised the extreme difficulty of the problem that presents itself in this matter to a mere administrator like myself. As the Honourable Rao Saheb Desai has rightly pointed out, we have to provide for the supply of country spirit for the Bombay city and the districts of Thana, Surat and Kolaba from the 1st of April. It has got to be got from somewhere. Messrs. Carew and Co. have not been working satisfactorily and they themselves had expressed a wish to be relieved of their contract. Subsequently, they had to manufacture machinery locally, and they had originally intended to bring out their machinery from Germany, which naturally they could not do. Their distillery in Surat is not working very well; consequently, it was thought undesirable to continue work with Messrs. Carew and Co. after the 31st March of the present year, on which date their contract expires. Something had to be done to find these eight lakhs of gallons from the 1st of April. Now, sir, the responsibility to find that quantity had to be accepted by some one. Every gallon of London proof spirit means 12·33 rupees in taxation in the Bombay area. In Thana it is rather less. Honourable members can easily imagine what the loss to provincial revenues would be and what the general inconvenience would be if the supply of funds, for which so much reliance is placed on excise revenue, was not forthcoming. Now, sir, what are the alternatives that have been placed before us by either the Honourable Rao Saheb Desai or the Honourable Mr. Kamat? The Honourable Mr. Kamat says, why did not Government do something in 1918? Well, no one then foresaw that there would be intense famine of *mhowra* in 1919. If Government had had those powers of foresight, then it would have been a different matter. They had not those powers of foresight, and, if the Honourable Mr. Kamat had them, it was open to him to move a resolution in Council that it was unwise for Government to act as they proposed to do. The Honourable Mr. Kamat did not know any more than Government did, and, if Government were lacking in this particular foresight, I do not think. . . . .

The Honourable Mr. B. S. Kamat:—What I said was that Government knew that the Deolali distillery was not ready.

The Honourable Mr. G. S. Curtis:—All the same, it was quite impossible for Government to foresee that the arrangement then made in 1918 was not adequate for the supply of country spirit. No one could foresee that the *mhowra* crop would fail all over India as it did.

The other alternative is, why were not tenders invited in November or December last? Once more I make the answer which was made with reference to the resolution moved by the Honourable Rao Bahadur Garud. If tenders had been called for, it is quite impossible that they could have been placed on any natural basis. It has been held against the action of Government that everything is put on an arbitrary basis. I say that a tender based on the cost of raw material in the month of November could not have proceeded on any natural basis at all. The basis would have been an absolute guess work. It would have been impossible for any one to tell what the price of *mhowra* would be likely to be at the present moment. *Mhowra* flowers are now coming into demand for other purposes than distillation, such as alcohol for driving motors, and so forth. The consequence is that the prices have risen, and I think that persons conversant with the *mhowra* market would inform an enquirer that the prices are liable to extreme variation, and that at the close of 1918 prices had reached a height never before known. There was a danger, therefore, if tenders had been called for in November or December, that they would have been based either on pure guess work when the trouble must have arisen later, or they would have been fixed on a scale of prices of raw material which would have entailed a very large charge to the State during the whole period of the contract. Obviously, it would not be a good nor dignified thing to call for tenders once in December and call for tenders again three months later. That is not sound. If Government were to do so, it would look as if there was something very wrong about the Government contract. Therefore Government decided that it would be better to arrange for a departmental supply of liquor for four months and postpone the coming into force of the new arrangement until the 1st of August, by which time intending tenderers would have been able to obtain information and to make proper arrangements to ensure that the contract would be properly fulfilled. That may have been unwise, but I believe that persons conversant with the *mhowra* trade

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would tell us that no other course was open. Now, sir, so much with regard to the postponement of the contract.

Now, as regards the measures taken for the supply of spirit during the four months from 1st April to 31st July, was there anything wrong in them? The first point that the Honourable Rao Saheb Desai made about them in his airy way is " Oh, sir, you should have given the whole job to Java at Re. 1-5-0 per gallon ". But there is a small difficulty there; it is not so easy as the Honourable Rao Saheb Desai imagines.

When the matter first came up, Java spirit was liable to the customs duty of Rs. 11-4-0 per gallon. Consequently, the customs duty on eight lakhs of gallons would have amounted to ninety lakhs of rupees. Reference was made to the Government of India, but they refused to remit the duty. Consequently, we were perforce driven to enter into negotiations with Parry & Co., as the only other people who could supply the requisite amount of liquor at something like reasonable rates. Their prices varied, as was natural, largely with the price of raw materials available in Java. At that time, Bengal and a large part of India were indenting on Java for raw materials for distillation, and, as a result, the prices in Java were inflated, and were fluctuating to an enormous extent. Consequently, there is considerable variation between the rate for the first contract and that for the second contract. The rates then obtained for liquor bear a very reasonable relation to the price of molasses then available in Java. On a further reference to the Government of India, they agreed to remit the customs duty on Java spirit. That was after arrangements had been made with Messrs. Parry & Co. At that time arrangements were made to obtain two lakhs of gallons from Messrs. Arratoon & Co. at Re. 1-5-0 per gallon. At the present moment we are a little overbought. Perhaps, some criticism may be made of the fact that we obtained in all eight lakhs of gallons instead of five lakhs. But it is a very good thing to have on hand a large stock, as it is possible that distilling will not be carried on in the monsoon so satisfactorily as in the dry season. It is, therefore, necessary to see that the supply is not in any way interrupted, and, for this purpose, the extra stock that we have on hand will come in very useful.

The Honourable Rao Saheb Desai alluded, in his airy way, to the fact that, while the revenue from country spirit was going up, the consumption was going down, but he said that the consumption of foreign liquor was increasing. I think he does not quite realise the significance of what he says. If honourable members will turn to the Imperial return No. 5, the Abkari Report of last year, which has just been published, they will find that the incidence of taxation on country spirit in Bombay city is no less than Rs. 12·33 while the tariff rate for imported liquor is Rs. 11-4-0 per gallon. Therefore, country liquor is already handicapped. I will not say that it is more heavily taxed than imported liquor, but it is as fully taxed as foreign liquor. There is also a very great risk, which honourable members must not overlook, and which I hope the future Minister in charge of Excise will not overlook, that competition between country-made spirit and Japanese spirit may arise.

We have, at any rate, introduced what has been a very successful experiment in this Presidency. It is evident that we have a body of traders, who, relying on the good faith of Government, have paid down considerable sums for the privilege of vend. It would not be fair, and it would not be equitable and honest if we suddenly gave notice to this large body of traders that, when they expect to purchase liquor from Government at Re. 1-1-0 per gallon, they will have to pay something like Rs. 2-4-0 to Rs. 2-6-0 per gallon. I do not think that any trader treated in that way will trust Government.

Coming back to the main point, Government have made these arrangements for the supply of liquor. For these five months contracts have been entered into for the purchase of eight lakhs of gallons. There is no question about it. The contracts are there, and they can be enforced in a court of law. Money has got to be found to meet them. I have endeavoured, as far as possible, to show that action has been taken after due consideration of the various factors. I contend that nothing has been done which has not been done, as far as possible, in the interests of this Presidency. Therefore, sir, this Council must enable this Government to carry out its promises. It would be unfortunate if an impression gets about that contracts made with the Government of Bombay are liable to be cancelled on such doubtful questions as the not calling for tenders.

There is one other matter which two or three honourable members referred to, I mean the matter of Messrs. Carew & Co.'s tenders. Messrs. Carew & Co., I believe, first came into this Presidency five years ago. I have not at this moment any information as to whether they were selected by Government without tenders, or whether they obtained their contracts after offering their tenders. My impression is that they did give tenders.

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They are certainly people who have had great experience of the work in Northern India. I believe that they made a tender in the ordinary way and that their area of supply was extended thereafter. But what I want to say is that the contract with Messrs. Carew & Co., or the action taken by Government, has no possible bearing on the present question. As the Honourable Mr. Lalubhai has said, Carew & Co. contend that they have been treated badly. Mr. Lalubhai further asked whether they were unwilling to extend their operations after the 31st of March. It is the case that Messrs. Carew & Co. at one time expressed a wish to discontinue their operations, but, after some correspondence, they agreed to carry on till March 31st. But, as far as I know, no special consideration of any kind has been shown to Messrs. Carew & Co. They came in in the ordinary way. But, sir, whatever the negotiations with Messrs. Carew & Co., that has nothing whatever to do with the present question. I, therefore, venture to hope that this Council will support Government in rejecting this resolution.

The Honourable Rao Saheb H. D. Desai:—Your Excellency,—I congratulate the Honourable Mr. Curtis for having adopted the trick of the advocate who, when he cannot straight away give a reply to the objection of the opponent, tells a story and laughs it out. That is how he treated the matter, and I think that upon the question raised by me none of the speakers who opposed my resolution, as also the Honourable Mr. Curtis, have controverted my figures, that for four or five months only 5 lakhs of gallons would be required and not more, and, consequently, the estimate of 8 lakhs of gallons is an unnecessary one.

His Excellency the President:—My honourable colleague frankly admitted that the figures referred to were correct. He said that according to it Government were rather overbought. I do not know what the honourable member means.

The Honourable Rao Saheb H. D. Desai:—So the figures given by me as to the amount of the country spirit required are admitted. It was said that it was necessary to stock the new contractors with some stock, but, as I said before, it is only Messrs. Carew & Co. who hold about half the area, because the other contractors have continued their supply and they alone will have to be supplied, if they get into the new contract on the 1st of August. Consequently, I think that the provision is only necessary for 5 lakhs, and, even at the rate of 2 lakhs to be taken from Messrs. Arratoon & Co. and 3 lakhs at Re. 1-12-0 from Messrs. Parry & Co., the provision which I propose would amply suffice.

Then, I did not want to draw any comparison between foreign and country spirit on this occasion. It was only a side rem rk that I made with regard to consumption when I said that the consumption of country spirit was decreasing and foreign liquor was increasing. I did not mean to make any remarks from the Swadeshi point of view. I am one of those who look upon the consumption of liquor as a matter which requires to be corrected, and that it should go on the lines of a temperance movement. Consequently, whether a man drinks foreign or country liquor makes no difference to me. The mere fact that he drinks is sufficient for me from the temperance standpoint. The Honourable Mr. Lalubhai said that Government had completed their arrangements with Messrs. Carew & Co. Of course there are also completed arrangements with Messrs. Carew & Co., and I will not say that we should not supply and that we should put our large revenue into jeopardy where contractors have failed. What I mean to say is that we should make actual provision for as much as is absolutely necessary, and, consequently, if we could do with 5 lakhs, I do not see why we should take 3 lakhs more at Rs. 2-8-0, with 4 annas railway carriage, and, if we deduct that, perhaps the provision which I propose will be the only one that will be necessary.

Before sending in this resolution, I had the honour of meeting the Honourable Mr. Curtis, and at that time I was inclined to move for dropping the item. But, after discussing the matter with him, I thought that it was not proper that I should move it in that way. So I changed my resolution and sent the present one. I also requested that I should be shown the papers relating to the contracts with Messrs. Parry & Co. and with Messrs. Arratoon & Co., and, if I was satisfied, I said that I would have no objection to withdraw the resolution.

The Honourable Mr. G. S. Curtis:—Did the honourable member come for the papers?

The Honourable Rao Saheb H. D. Desai:—Your Excellency,—I wrote on Saturday last and did not get an answer and therefore did not go for the papers. It seems that my honourable friends Mr. Lalubhai Samaldas and Mr. Purshotamdas seem to be more in the know than myself.

SUPPLY OF COUNTRY SPIRIT TO LICENSED VENDORS—MANUAL TRAINING IN SECONDARY SCHOOLS.

[*Rao Saheb H. D. Desai; Mr. L. S. Mehta; Mr. G. S. Curtis; the President; Mr. B. S Kamat.*] [18TH MARCH 1920.]

The Honourable Mr. Lalubhai Samaldas Mehta:—Not I.

The Honourable Mr. G. S. Curtis:—The honourable member came down here last week and went away to Ahmedabad. He sent a note saying that he would like to have a look at the papers. I had the papers ready for him; I have shown them to other members of the Finance Committee who expressed a desire to see them. But the honourable member never came to my office.

The Honourable Rao Saheb H. D. Desai:—Your Excellency,—Since the Honourable Mr. Curtis says so, I accept the explanation. Before I went to Ahmedabad I wrote to him, informing him that I was returning to Bombay on the 12th. Consequently, it would have been possible for him to reply; but I received no reply.

I submit, in any case, that the tariff duty on two lakhs of gallons to be imported from Java has been remitted, and, if an attempt had been made to get more, it would have been possible to get the required quantity. I therefore submit that, looking to all the circumstances which have been placed by me in my opening remarks, I think that the extra provision which is sought to be made in the financial statement is unnecessary and that, therefore, we should have a provision of three lakhs only.

His Excellency the President:—I think the honourable member would like to see that the information which he desired was waiting for him here in Bombay. This will perhaps remove any misunderstanding he might have that the papers were to be sent round to Ahmedabad. My honourable colleague had all the information to give.

I will only add one word to close what has been an interesting discussion, and point out that it is evident that the Honourable Rao Saheb Desai was perhaps unnecessarily modest as regards his own knowledge. As a matter of fact, the whole circumstances were told him by Government and he appeared at the time to be quite satisfied. I do not regret that this discussion should have arisen, because it is just as well that this Council should realise how great are the difficulties in dealing with such a large traffic. My honourable colleague has pointed out that, if Government made any error of judgment, they made only exactly the same error of judgment as the Honourable Mr. Kamat himself, who did not move any resolution. But it is impossible to see beyond a certain point the fluctuations of the market. I for one am glad,—my honourable colleague is glad too,—that this discussion should have taken place; but, in view of the contract having to be fulfilled, I think the honourable member will probably not wish to press his motion for the resolution.

The Honourable Rao Saheb H. D. Desai:—Your Excellency,—I beg leave to withdraw this resolution and, at the same time, beg to submit that only as much expenditure may be incurred on this head as may be absolutely necessary.

The resolution was by leave withdrawn.

His Excellency the President:—The Council will now adjourn till 3 o'clock.

The Council adjourned for lunch till 3 o'clock.

After lunch.

The Council re-assembled at 3 o'clock.

His Excellency the President:—Resolution No. 3. The Honourable Mr. B. S. Kamat.

"This Council recommends that Government may be pleased to make a provision of Rs. 50,000 under head 22, Education, in the Draft Financial Statement for the next year for the encouragement of manual training in boys' secondary schools under private management, and to meet the expenditure by a corresponding reduction in item No. 22, under head Excise, of Statement B (expenditure in connection with the supply of country spirit to licensed retail vendors)."

The Honourable Mr. B. S. Kamat:—May it please your Excellency,—The object of my resolution is to make a provision of a small amount of Rs. 50,000 under the head Education for the manual training in boys' secondary schools under private management. In order to meet this expenditure, I propose a corresponding reduction in item No. 22, namely, the expenditure in connection with the supply of country spirits to licensed retail

MANUAL TRAINING IN SECONDARY SCHOOLS.

[13TH MARCH 1920.] [*Mr. B. S. Kamat; Rao Saheb H. D. Desai; Mr. G. S. Curtis; Mr. P. A. Desai.*]

vendors, which we have just now discussed. Regarding the object of encouraging manual training, I venture to think that there cannot be two opinions in this Council and, when I propose this Rs. 50,000, I do not mean to say that education is not making any great strides in the Bombay Presidency. On the contrary, it must be frankly admitted that during the last few years if there has been any department at all which has been receiving very generous and liberal treatment at the hands of the Government of Bombay, it has been the Department of Education. It stands at the present moment in the forefront, and, I believe, comparing the expenditure of other provinces on their education, the Government of Bombay might well be considered to be in an exceedingly pre-eminent position so far as its expenditure on education is concerned. But still I do think there is room for improvement here and there, and one of the directions in which I wish to see improvement effected is that of manual training in boys' secondary schools chiefly under private management. The character of the education that is now being imparted, especially in secondary schools, is, in the opinion of many who are entitled to judge in this respect, more of a literary character, that is to say, industrial bias is lacking in the education. The time has arrived, in my opinion, when the education of boys, who are not fit, either by their inclination or by their other equipment, to go in for literary education of a higher character, should in their early career, be bifurcated, as it were, and their education should be placed in a channel where they can have facilities to acquire a sort of training which will fit them for industrial or technical careers in their after life. It is with this object, your Excellency, that I wish that Rs. 50,000 should be allotted to this head.

Now it may be said that we have already settled the question about the nine lakhs, from which I desire to draw the Rs. 50,000 to be set apart. But, in the course of the debate which we just now had, I think the Honourable Mr. Curtis stated that the number of gallons, namely eight lakhs, for which provision has been made, is perhaps over and above the requirements for four months. If that is so, I think we can cut down the nine lakhs of rupees and spare from that Rs. 50,000 for an object which I think will commend itself to the Council. With these remarks I beg to move the resolution.

The Honourable Rao Saheb H. D. Desai:—I heartily support the first part of the resolution as to manual training in secondary schools. I do not think it is necessary for me to supplement what the Honourable Mr. Kamat has said.

As regards the question whether there is room for making such a provision under item 22, I have been able to show in my remarks with reference to my resolution already moved that the provision is more than what is required, and, consequently, there is sufficient room for such a slender provision as Rs. 50,000 under this head.

The Honourable Mr. G. S. Curtis: —May it please your Excellency,—Owing to the peculiar procedure of this Council it falls on me, as Member in Charge of Excise, to speak to this resolution. I may observe in passing that No. 66 in the standing order of the House of Commons lays down that no expenditure can be proposed by anyone at all, unless he is a Minister of the House, and I do not think that I shall be guessing if I say that, when the new conditions come in, something similar to that provision standing in the British Constitution will be adopted in this particular legislature.

The immediate point at issue as regards this particular resolution is, whether the sum of Rs. 9,00,000 can be safely reduced to Rs. 8,50,000 in order to provide Rs. 50,000 for the object mentioned by the mover of the resolution. I venture to think that I made it quite clear that such a reduction is impossible. Government have entered into contracts to meet which they have to pay a sum of eight lakhs and old from the provincial exchequer. We have bought eight lakhs of gallons of liquor which we supply to shopkeepers, partly in Bombay area, partly in Surat, partly in Thana, and partly in Kolaba.

The Honourable Mr. P. A. Desai:—Bought or contracted for ?

The Honourable Mr. G. S. Curtis:—Bought, sir; we have bought or contracted for, that means the same thing. At least I presume the Government are out to meet their contracts and to pay for supplies which they have urged other manufacturers to make for them. Therefore, I say that this Government has contracted for eight lakhs of gallons of liquor. It is possible that not more than five lakhs may be wanted during the particular four months during which departmental arrangements are made, and it is possible, also, that there might be a demand from other areas. But, owing to the divergence of rates for the supply of liquor under the old and new schemes, there is the loss which must be debited to provincial revenue. As against this loss must be set off the fact that under the auction

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[13TH MARCH 1920.]

[*Mr. G. S. Curtis; Mr. B. S. Kamat; the President; Rao Sahab H. D. Desai.*]

system each shopkeeper pays a vend fee of Rs. 3-6-0 per gallon of liquor. On that Government stands to make a profit.

The provision that has already been made in item No. 22 is necessary and no reduction therefore is, I think, feasible.

The Honourable Mr. B. S. Kamat:—Your Excellency,—I am rather in an unfortunate position owing to the procedure in this Council. Even though the object of the resolution might be good, I cannot touch the expenditure on certain items proposed by Government. The Honourable Member in charge of the Department has referred to the standing orders of the House of Commons. It is rather unfortunate that we are not acting under similar procedure of standing orders. The difficulty for me now is, from what source to meet the expenditure. The objections of Government are that there is no room to cut down any item whatsoever. The only margin is to recover from the retail vendors for the spirit supplied more than Government propose to do. Government have contracted to buy and supply liquor to the extent of Rs. 16,00,000, out of which, however, Rs. 8,00,000 are proposed to be recovered. I propose that Government should recover something more than Rs. 8,00,000. That is all I can suggest. If the object is good, the expenditure should be recovered from the retail vendors.

His Excellency the President:—I must explain that it is through oversight I have permitted the discussion of this resolution at all. It is out of order. It seeks to make provision for an item of recurring expenditure—at least I presume the honourable member intends the expenditure to be recurring—from an item of non-recurring expenditure. I must, therefore, disallow this resolution.

For the same reason resolution No. 4 cannot be allowed. Resolutions Nos. 3 and 4 were, therefore, disallowed.

His Excellency the President:—Resolution No. 5, the Honourable Rao Saheb H. D. Desai:—

"This Council recommends to His Excellency the Governor in Council that the provision of Rs. 7,39,000 contained in item No. 24 in Statement B of the Draft Financial Statement for 1920-21 relating to compensation to licensed manufacturers of country spirit owing to high prices of distilling materials be dropped."

The Honourable Rao Saheb H. D. Desai:—May it please your Excellency,—The remarks on page 9 of the Financial Statement are these:—

"Owing to the failure of the *mhowra* crop throughout India, *mhowra* flowers were not available in sufficient quantities for distillation purposes and what stocks could be had, had to be purchased at exhorbitant rates. This deficiency in the raw materials has to be made good by importing molasses from Java at prices far in advance of those payable for *mhowra* flowers in normal times. Licensed distilling contractors are therefore faced with ruinous losses, as their contract supply rates were fixed with reference to normal conditions. Owing to the abnormal circumstances and, as the failure of the contractors would not be in the interests of Government, it has been decided to examine the accounts of each contractor at the end of the year 1919-20 and to compensate him to such extent as may be reasonable after consideration of all the circumstances. The provision of Rs. 7,39,000 is intended for this purpose. In order to enable the contractors to meet their heavy liabilities at present, advances are being made which will be wholly or partly recoverable after examination of their accounts."

In the first instance, I beg to submit that this item was not before the Finance Committee in the statements which were submitted to it, and it is after the report of the Finance Committee that this item has been provided in this financial statement. In the discussion before the Finance Committee, objection was raised with reference to item 22. Then at the next meeting the question came up that certain contractors were asking for compensation for losses. As I have submitted, the area in charge of Messrs. Carew & Co. is half the other area of the presidency proper. That Company was given the area, not after having invited tenders; and after undertaking to supply departmentally for 4 months you are now going to put into the pocket of Messrs. Carew & Co. about four lakhs of rupees. About Rs. 4,00,000 they would be getting in this arrangement. I submit that the contracts were given by selection and not by open competition, and, as regards Messrs. Carew & Co.,

COMPENSATION TO LICENSED MANUFACTURERS OF COUNTRY SPIRIT.

[13TH MARCH 1920.] [*Rao Saheb H. D. Desai; Mr. R. P. Paranjpye; Mr. G. S. Curtis.*]

they did get favourable rates. The whole matter is one of commercial contract. In past years, when prices were low, they must have made large profits in favourable years, and, if any subsequent year turned out to be a bad one, they must place the losses made in the bad year against the profits made in good years. It is a matter of ordinary occurrence with reference to every contract in the commercial world, and I think that it is not proper that compensation should be given to contractors on such grounds as the failure of the *mhowra* crop. So far as I have been able to gather, giving of compensation has never occurred during the last 12 or 15 years or even more, and I think, at least the impression is left on my mind, when I was in the Finance Committee, that objection was raised with reference to item No. 22. At the second sitting this question was put up, so that we are now, at least so far as Messrs. Carew & Co. are concerned, giving them the benefit. There is another aspect of the case. When Messrs. Carew & Co. were unable to supply liquor, several shops within their area remained closed. The retail vendors will claim refund or must have got refund. Government have to give refunds through their contractor's inability, and now we are practically putting this item of four lakhs into their pocket, and also providing an equal amount for the other contractors. I respectfully submit that it is a matter of commercial contract and we have to take that into consideration. When we remember the fact that Messrs. Carew & Co. appear to have been introduced into this business to break the ring of old contractors and that their introduction caused ruinous losses to the old distilling contractors of Uran, etc., and now that Messrs. Carew & Co. have failed, why not treat the matter as one of commercial contract and get in only such people afresh who may be in a position to carry out their contracts? It is perhaps the first time that such a provision has been made for compensating the contractors. They are not entitled to claim from us any losses that they may say they have incurred. It is natural for contractors to keep grumbling and to say that they have been badly treated by Government. It was a contract not entered into by open competition but by selection. It must be treated only as a commercial contract, and no provision need be made for this item.

The Honourable Mr. R. P. Paranjpye:—Your Excellency,—I have great pleasure to support the proposition that is put forward by the Honourable Rao Saheb Desai. He has brought forward, first of all, the objection that this was not in the draft financial statement that was submitted. It might possibly be necessary to give some compensation, but I would like to say that this was not passed by the Finance Committee. I may say that the contractors necessarily took the risk of loss when they bid at the auctions. I do not see why only in this special case we ought to compensate for such loss. We should have to see, first of all, what profits the contractors have made during the whole period of the contract. There may be losses in one year. We have to see what are the total losses during the whole period of the contract. The way to treat them fairly is not to give them compensation for their losses. They might be given contracts again for a further period, so that in this manner they may be able to recoup their losses. But I do not think this is a proper way of spending the revenues of Government in paying this large amount to these contractors.

The Honourable Mr. G. S. Curtis:—The honourable member omitted this statement. I would invite attention to 1 (*b*) of the report of the Finance Committee. It reads as follows:—

"We understand that advances have been made to the various liquor contractors in the Presidency proper to enable them to meet the situation arising out of shortage of *mhowra* and that Government contemplate making a short recovery of these advances, if found necessary, in order to protect the contractors from crippling losses. We are of the opinion that, in determining such compensation, account should be taken not merely of the losses of any one year but of the profit and loss during the whole period of the contract.

(*c*) We recommend a reduction from Rs. 50,000 to Rs. 5,000 in the provision for the net liability of Government on the transfer of the distillery plant from the contractors, as we are of opinion that this smaller sum is adequate."

The Honourable Mr. R. P. Paranjpye:—No definite figures were supplied. No explanations were given about the accounts submitted, nor any other details. I would point out on the whole that it is not right policy to sacrifice public revenue in this manner. It is a case of open competition. Contractors' losses or gains are due to their own high biddings; and we should not be benevolent at the expense of the public exchequer. If we examine the case of the P. W. D. contractors, we shall find that several of them had to lose because the prices suddenly rose. I am sure that similar cases did occur in other departments. Government sympathise with only these liquor contractors and offer to pay

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them compensation for all their losses. I do not know why we should make exceptions like this and pass this item and make the contractors a present of this large amount of over Rs. 7,00,000 out of public revenues.

The Honourable Mr. S. B. Upasani: -Your Excellency,—I have great pleasure in supporting this resolution. No reason has been shown in the Revised Financial Statement as to the necessity in this particular case for granting compensation for any loss sustained by these contractors. There is no reason why these particular contractors should be favoured with this concession. Last year, the opium contractors in Nagar represented to Government the serious losses sustained by them owing to the famine and owing to Government having themselves raised the price of opium sold to them and not having taken any steps to prevent shops being opened in the Nizam's territory adjoining that district which affected their sales. Theirs was a hard case, but Government declined to grant them any relief and asked them either to give up the contract or to continue it at a loss. If no relief was given to them, I do not see why relief should be given to Messrs. Carew & Co.

The Honourable Rao Saheb Desai has pointed out that if the next year's contract is given to these contractors, which is not unlikely, they will get this remission and, in addition, the supply for three months at half rate. We have to look at the question from all standpoints. In the first place, it is a bad precedent to allow any remission for loss for which Government is not in any way responsible. In the next place, Government have already to bear a part of the damages suffered by the shopkeepers for the company's failure to keep up the required supply. I do not see why we should make the public purse responsible for any loss sustained by these contractors when similar relief has been refused in more deserving cases.

I, therefore, think that this item should not be allowed.

The Honourable Mr. D. V. Belvi:—Your Excellency,—I rise to support this resolution in a few words. I object very strongly to the principle which underlies this item No. 24. I have never heard of a case in which a contractor who makes huge profits out of a contract and who does not offer to pay the general taxpayer anything out of his profits should say that he is at liberty to demand compensation from the general taxpayer to make up his loss.

The information that is supplied to this Council in connection with this item is so very meagre that it is difficult to make out whether this particular item, to which the Honourable Rao Saheb Desai objects and in connection with which the name of Messrs. Carew & Co. looms large again, is really necessary. Are we going to burden the general taxpayer for the benefit of this particular firm? What right have we to make a present of such a large amount as seven lakhs of rupees to this firm of contractors and to other contractors similarly situated? We do not know the total number of contractors who are to be compensated, nor do we know anything about the details of the losses which have been suffered and the reasons which have led to the losses.

It seems to me that the principle is wrong and that it is not right to burden the general taxpayer for the benefit of these contractors. Why should we rob Peter to pay Paul? There is no reason why the general taxpayer should lose such a large amount for the benefit of these contractors. If liquor contractors have sustained losses, there are other contractors who have sustained losses equally. I ask the Council to look at resolution No. 8, which is about to be moved by the Honourable Rao Bahadur Garud. In that resolution we are told that there are contractors of opium and *ganja* who have sustained losses. They may have equal claims to be compensated. Why should liquor contractors alone be compensated of all of them? If you once hold that such demands are to be allowed, every contractor will come forward and say that he has sustained a loss and you will have to compensate him for the losses he has sustained.

The very principle underlying this item is a vicious one and it is right that we should decide once for all that such amounts ought not to be debited to the general taxpayer's account.

I heartily support the resolution moved by the Honourable Rao Saheb Desai.

The Honourable Mr. G. S. Curtis:—Your Excellency,—I rise to oppose this resolution. First of all, as regards the question of facts, we had a remarkable statement from the Honourable Mr. Paranjpye, *viz.*, that this matter was not placed before the Finance Committee and that this item had not received the approval of that Committee. As I have already pointed out, that statement is not correct. Once more I read the extract from the report of the Finance Committee. It says:—

"We understand that advances have been made to the various liquor contractors in the Presidency proper to enable them to meet the situation

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tion arising out of the shortage of *mhowra* and that Government contemplate making a short recovery of these advances, if found necessary, in order to protect the contractors from crippling losses. We are of the opinion that, in determining such compensation, account should be taken, not merely of the losses of any one year, but of the profit and loss during the whole period of the contract."

Now, sir, I venture to submit that there is only one inference from that paragraph of the report of the Finance Committee. It is true that the item of Rs. 7,30,000 does not appear in the original statement before the Finance Committee, but, in the course of a long discussion with reference to the Rs. 9,00,000 wanted for the price of liquor, the whole of the details were placed before the Finance Committee, and, if I remember aright, I showed some members, at any rate, a full list of all advances made. Therefore, it is not correct to say that these particular advances had not the sanction of the Finance Committee. The only objection that the Committee took to the principle in question was that the losses should not be calculated for a period of one year only but on the whole period of the contract. I submit that is the plain English of the Finance Committee's Report and the Honourable Mr. Paranjpye having signed that report must be bound by it.

One or two honourable members, I think the Honourable Mr. Belvi and the Honourable Mr. Upasani, have asserted that no such compensation is allowed in the case of other contractors and that they are compelled to adhere to their original rates. There have, unfortunately, been numerous cases this year in which public works contractors have been unable to carry out their contracts on their original terms and have been given, in some cases, 25 to 30 per cent. enhancements. Such enhancements have been given very largely in the vicinity of Poona in the case of contractors involved in the supply of lime, gravel and so forth, which involved an unusually large provision of funds. It is, therefore, not correct to say that Government had never made such grants in exceptional circumstances. They have done so in the past and will continue to do so in the future.

Now, sir, as regards these advances to contractors, many honourable members of this Council are engaged in trade and they must be doubtless fully familiar with the fact that dealers make advances to their suppliers from the mofussil who send raw material to them. Occasions occur from time to time when, owing to seasonal causes or otherwise, particular contractors are involved in losses and then they come to the head office and ask for some allowance or remission on the advances made. There is nothing whatever unusual in Government, placed, as they are, in the position of a commercial firm, making advances to various firms of contractors for the supply of articles which are wanted for the purpose of distilling liquor. As a matter of fact, these advances have not been made habitually, but, as it is universally recognised, the circumstances of the past year have been quite exceptional and, consequently, Government have had to make these advances.

A great deal of the discussion has revolved round the ill-starred name of Messrs. Carew & Co. I would not have referred to this matter had it not been for the fact that the Honourable Rao Saheb Desai referred to it in his speech this morning. The Honourable Rao Saheb Desai came to my office on the 6th of this month and he left a note saying that he would come again on the 12th, as he wanted further information. I had collected the information and was waiting for the Honourable Rao Saheb Desai, who, if he had called again, as he said he would, would not have had any reason for complaint. He would have found that the actual advance to Messrs. Carew & Co. was not anything like four lakhs but only two lakhs, and, so far as the advances were concerned, no consideration had been shown to Messrs. Carew & Co. which has not been shown to other distillers in the same position. What Government said was; as it has been recognised in the report of the Finance Committee, that the circumstances of the past year have been entirely unusual and, having regard to these circumstances, if Government, on examining the contractors' losses, find that they do prove to be crippling, and if, under all the circumstances, it is recognized that they have suffered losses, the advances should not be recovered. I think, sir, that is a common, straightforward, business-like procedure, and, if the Finance Committee had thought it to be otherwise, they would have said so in paragraph 1 of their Report. We are all extremely indebted to the Finance Committee for the labour which they gave in going through the proceedings, but, if honourable members are to come forward and say, after signing the report with a paragraph of this nature, that they meant something else, then I venture to think that we shall have to find out a new form of procedure.

Speaking generally, sir, as I have said this morning, this is the last occasion on which a member of the Indian Civil Service will be replying on this head of the budget. As a result of my experience during the past years, I wish to make a few remarks on the general

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aspect of the question. We are shortly handing over to ministers a department with a magnificent revenue. Your Excellency in your opening remarks showed that the revenue in this particular department has increased from one crore and sixty-nine lakhs before the war to four crores and thirty-one lakhs in the current year. This increase in revenue has not been secured without a good deal of skill and a great deal of careful consideration of the various interests involved. Among these interests are those of the trade, on the one hand, and the contractors, on the other, some of whom have been working with Government for a generation or more.

For the benefit of the honourable members of this Council who are likely to be ministers this time next year, I venture to record, as a result of very long experience of the subject, that it is advisable and necessary to be considerate with regard to those who manufacture and with regard to those who supply raw products. You ought to show the same consideration, sympathy and careful dealing with the trade on the one hand and contractors on the other. Trust in Government when you have difficulties and Government will listen to what you have to say. That has been the policy, sir, which underlies these advances and I think, sir, that is the policy which is followed in business houses in this city and I should regret if, by their vote, the Council will show that under revised conditions the various members of the trade and manufacturers who have had dealings with this department, a department built up mainly by the Indian Civil Service, that they cannot trust the representatives of Government and that they will not receive from them the same treatment that they have received from administrators such as Sir Charles Pritchard and Sir John Jenkins.

I venture to hope, sir, that the Council will reject this resolution.

The Honourable Rao Saheb H. D. Desai:—Your Excellency,—I fully appreciate the closing remarks of the Honourable Mr. Curtis as to the future handling of this department, and anyone who has that burden will perhaps see to it. He referred to a personal matter and said that if I had looked him up, I would have got all the information I wanted. When I wrote to him that I was coming on the 12th, I expected that I would have a line from the Honourable Mr. Curtis to say that he had no objection to giving me the information when I came, and, in that event, I would have looked him up on the 12th instant. I thought that, when I did not hear from him to that effect, to come to the Secretariat and ask him whether he could give me that information would be regarded as rather an unusual procedure. On that account it was, not having heard from him, I did not look in. Now that is about the personal matter.

About the report, the Honourable Mr. Curtis refers to paragraph 2 of item 1 in the Finance Committee's Report. With reference to that, all I wish to say is this, that all along in the December meeting as well as in the January meeting we had before us only that item of 9 lakhs in the financial statement, and, when a question was raised with reference to the justification for that item, in the January meeting it was said that some contractors had made applications that they had suffered losses. No idea was given to the Finance Committee that the amount was going to be Rs. 7,39,000. Secondly, it is ordinarily all right to say that because a member has signed a report, therefore it is not right for him to say anything against it later. But the practice of our committee seems to me to be that after discussion the report is not written in the committee itself but written out later and sent down for signature. On that account such paragraphs are not properly noticed and are not properly noted, and the object is also not properly understood. But it is a fact and I think the Honourable Mr. Curtis has not traversed that fact.

The Honourable Mr. G. S. Curtis:—My recollection is that the Honourable Sir George Carmichael drafted the report in the committee and that it was read out to the members.

The Honourable Sir George Carmichael:—That particular portion of the report.

The Honourable Rao Saheb H. D. Desai:—That is not my recollection. At any rate, the muddle was this. One explanation was given with regard to Rs. 9,00,000 in the first committee, and in the second committee, when I sent in certain questions, in the replies given the matter was made clear but, at the same time, this matter was put in, that several contractors had made applications putting in claims for losses. But we had no details and it was only roundly said that with regard to that matter the accounts will be examined with a view to see what were the years in which profits were made and losses sustained, and then the matter was to be considered. The whole thing was put in

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that way, but we never thought that an item of Rs. 7,39,000 was to be put in the budget. That is the position I know of.

I have nothing further to say beyond what I have said in my opening remarks. I do not mean to say that Government contractors should be treated differently from contractors in commercial circles but I do maintain that if we were once to admit a principle of that character then perhaps there will be no end to it. And in a case like this, when they are likely to have made profits in one year and losses in another, it is certainly no use introducing a new principle which may be very embarrassing in the future. With these remarks I commend the resolution to the Council.

His Excellency the President:—I have only a few words to add on the subject which I think has been amply debated upon now. I myself somewhat regret that this Council has occupied itself in criticising a very ordinary, and I think a highly laudable, commercial transaction. If I may venture to make an observation, I think perhaps the Council might have spent their time to better advantage in thanking Government and particularly in congratulating the Honourable Member in Charge of the department on their fine record in regard to liquor policy. I cannot, however, resist alluding to the two rather unfortunate lapses of memory which have occurred in this debate. First, on the part of the honourable member, Rao Saheb Desai, who complained that he could not get information from Government. As Council has now seen, it has been proved in this debate that he would have got it if he had even taken the trouble to come to my honourable colleague who was waiting to give full information. Then we had the other slight lapse of memory on the part of my honourable friend Mr. Paranjpye, who said that this was not discussed or passed in the Finance Committee. We find on clearest authority that it was and the printed report goes to prove it.

The Honourable Mr. R. P. Paranjpye:—Not the figures.

His Excellency the President:—Certainly not the figures but the actual policy and it is actually the policy which is the subject of discussion. This is really a sheer waste of time if I may say so. Here is a transaction which would be carried out in any commercial firm of sound policy in trade. If you, gentlemen, want to teach the people whom Government trades with that they have got to put on a large insurance fee on the top of their prices before they trade with Government, you will pass this resolution. But if you want them to feel that they are trading with people who can always be relied upon to deal fairly with them, and not with people who would absolutely put them down regardless of any particular circumstances which may happen to go against them, then you would oppose it. I believe from some personal experience, as my honourable colleague pointed out, that in dealing with large affairs of business you cannot do better than get such a feeling of confidence and trust between Government and people who serve it and deal with it. There is nobody here who has attempted to suggest that there is anything improper in the transaction. What they suggest is that you had better let them stand alone; they may have made large profits in other seasons. I do not believe that is good business. If you begin to treat your people like that, you will never get such a return in the excise department again or get such good feeling between Government and their traders.

Well, gentlemen, that is my counsel to you; you can take it or leave it on one side. But I should be very sorry if my Government had to teach the business community with whom we deal another lesson. Government will most certainly oppose this resolution.

The resolution was then put to the vote and lost, eleven members voting for the resolution and nineteen against it. The Council divided as follows:—

AYES.	NOES.
The Honourable Mr. Dattatraya Venkatesh Belvi, LL.B.	His Excellency Sir George Ambrose Lloyd, G.C.I.E., D.S.O., Governor of Bombay.
The Honourable Mr. Pandurang Anant Desai, LL.B.	The Honourable Sir G. Carmichael, K.C.S.I., I.C.S.
The Honourable Rao Saheb Harilal Desaibhai Desai, LL.B.	The Honourable Mr. G. S. Curtis, C.S.I. I.C.S.
The Honourable Rao Bahadur Siddhanath Dhonddev Garud.	The Honourable Sir Ibrahim Rahimtoola, Kt., C.I.E.
The Honourable Mr. Balkrishna Sitaram Kamat.	The Honourable Mr. Rupchand Bilaram, LL.B.
The Honourable Mr. Raghunath Purshottam Paranjpye.	The Honourable Mr. R. H. Brooke.

COMPENSATION TO LICENSED MANUFACTURERS OF COUNTRY SPIRIT—SWIMMING BATHS FOR STUDENTS.

[*The President; Mr. B. S. Kamat.*] [13TH MARCH 1920.]

AYES.

The Honourable Sir Dinshaw Manockjee Petit, Bart.
The Honourable Mr. Munmohundass Ramji.
The Honourable Rao Bahadur Ganesh Krishna Sathe, C.I.E.
The Honourable Mr. Shridhar Balkrishna Upasani.
The Honourable Mr. Harchandrai Vishindas, C.I.E., LL.B.

NOES.

The Honourable Mr. F. Clayton.
The Honourable Mr. J. G. Covernton, C.I.E.,
The Honourable Mr. R. E. Enthoven, C.I.E., I.C.S.
The Honourable Mr. Mahomedbhoy Hajeebhoy.
The Honourable Shaikh Ghulam Hussein Hidayatallah, LL.B.
The Honourable Khan Bahadur Pir Baksh walad Mian Mahmud, C.I.E.
The Honourable Mr. P. J. Mead, C.I.E., I.C.S.
The Honourable Mr. Lalubhai Samaldas Mehta, C.I.E.
The Honourable Mr. L. Robertson, C.S.I., I.C.S.
The Honourable Mr. C. N. Seddon, I.C.S.
The Honourable Mr. H. O. B. Shoubridge, M.Inst. C.E.
The Honourable Colonel J. B. Smith, C.B., I.M.S.
The Honourable Mr. Purshotamdas Thakurdas, C.I.E., M.B.E.

His Excellency the President:—Resolution No. 6. The Honourable Mr. Kamat.

"This Council recommends that Government may be pleased to make a provision of Rs. 30,000 under head 22, Education, of Statement B of the Draft Financial Statement for the next year, for providing swimming baths at Poona, Ahmedabad and Dharwar to encourage swimming among students belonging to all schools and colleges; and that the expenditure be met by a corresponding reduction in item No. 24 of the said Statement B (compensation proposed to be paid to licensed manufacturers of country spirit)."

The Honourable Mr. B. S. Kamat:—May it please your Excellency,—I think only a few words will be necessary to commend this resolution to the members of this Council. The object of the resolution is to make a provision of Rs. 30,000 in the next year's budget for providing swimming baths at Poona, Ahmedabad and Dharwar. Honourable members who have seen swimming baths in England need not be told the various advantages to school and college students, both from the point of view of physical training, as well as from the point of view, namely, that swimming is an art which often is an instrument of saving life. In England swimming is taught to boys of the ages of 10 to 14 or even more and it is almost a compulsory subject for all school children. The swimming baths are constructed in a very handsome manner. There are dressing rooms there and children are induced, almost compelled to go there and learn swimming at a very early age. I do think that it is a very useful art and a physical exercise too, which it is very desirable to introduce in this country, especially among school children and college students. I do not think I need take the time of this Council any more.

Now, regarding the question as to how this amount is to be met, I confess I am again rather in a very awkward position. For most of the resolutions which stand in my name, I propose that the amount should be drawn from this ill-fated compensation to the contractors. The Council has now decided to retain the item of Rs. 7,39,000 on which my proposition hangs. My proposal, if it is accepted by Government, would amount to this, that this amount of compensation should be reduced by Rs. 30,000. The object of the resolution is a laudable one, and I leave the matter entirely in the hands of Government and the Honourable Mr. Curtis, who, if he is disposed to give this amount, might do so; otherwise it would be very difficult, I know, for me to scrape up this Rs. 30,000 from any other source.

SWIMMING BATHS FOR STUDENTS—BUILDING GRANTS—COMPENSATION TO LICENSEES OF OPIUM AND GANJA.

[13TH MARCH 1920.] [*Mr. S. B. Upasani; Mr. G. S. Curtis; the President; Mr. B. S. Kamat; Rao Bahadur S. D. Garud.*]

The Honourable Mr. S. B. Upasani:—Your Excellency,—I have very great pleasure in supporting the resolution moved by my honourable friend Mr. Kamat. In a district like mine, especially during the hot weather, the students feel the necessity of a swimming bath very keenly. If this proposal is accepted, swimming baths will be immensely popular. I think my friend the Honourable Mr. Garud has also sent up a resolution for this very provision. I quite realise, your Excellency, that it has been decided to allow item No. 24 to stand but, even after meeting the provision required for that item, sufficient balance will be left available to meet this proposal and it will be quite easy to carry out this experiment in the interests of the health and recreation of the school children.

The Honourable Mr. G. S. Curtis:—Your Excellency,—I need hardly say that, as far as I am personally concerned, I endorse the necessity for the institution of swimming baths and should be only too pleased to place funds at the Honourable Mr. Kamat's disposal. But as regards the item from which the money is to be re-appropriated, the view which I placed before the Council and which was accepted by it is that this Rs. 7,39,000 is wanted for another purpose. Therefore, I would be stultifying myself if I went over to the Honourable Mr. Kamat now and agreed to reduce the amount. I, therefore, hope that the Council, following the previous division, will reject this resolution.

The resolution was put to the vote and lost.

His Excellency the President:—Resolution No. 7. The Honourable Mr. Kamat.

"This Council recommends that Government may be pleased to increase the provision for building grants in item No. 263 of Statement B of the Draft Financial Statement under head 22, Education, by Rs. 1,00,000 and to make a corresponding reduction in item No. 24 of the same Statement, viz., compensation to licensed manufacturers of country spirit, the amount of Rs. 1,00,000 to be earmarked for free building grants for primary schools in municipal areas."

I may point out to honourable members that the previous resolution and this one are only consequential. I have allowed their discussion for a particular reason. It is conceivable that one might be taken with the other. But they are all consequential and I should not encourage honourable members to move them, although I shall allow them to do so if they desire.

The Honourable Mr. B. S. Kamat:—May it please your Excellency,—In view of the remarks which your Excellency has just made and also in view of the decision arrived at regarding the item of compensation, I do not think it is worth while for me to press this resolution on the attention of the Council. I only trust that if it is possible for the Honourable Mr. Curtis, after he has actually distributed the compensation, to reserve anything for me, (which I doubt), then I do hope that there will be a soft corner in his heart for the object which I have in view.

I, therefore, beg to withdraw the resolution.

The resolution was by leave withdrawn.

His Excellency the President:—Resolution No. 8. The Honourable Rao Bahadur Garud.

"Reduce item 24 under excise in the Draft Financial Statement by rupees one lakh and provide that sum for compensation to licensees of opium and ganja shops for losses sustained by them in the years 1918-19 and 1919-20."

The Honourable Rao Bahadur S. D. Garud:—Your Excellency,—By their vote on item No. 24 I take it that the Council have endorsed the principle that when contractors sustain losses they should be relieved, and it is from that point of view that I bring forward this resolution. I also take it that, if the whole of the amount under this item is not appropriated, and if any balance is left over, then we might be able to utilise it for any other purpose.

COMPENSATION TO LICENSEES OF OPIUM AND GANJA.

[18TH MARCH 1920.]

[*Rao Bahadur S. D. Garud; Shaikh Ghulam Hussein Hidayatallah; Mr. S. B. Upasani; Mr. Purshotamdas Thakurdas; Mr. D. V. Belvi.*]

The opium and ganja contractors have already made liberal contributions to our excise revenue and I think they are a class who should be given reasonable relief. Last year they made petitions to Government and appeals for help. Government also appear to concede that they did suffer severely during the famine in 1918-19 and, in some parts of the Presidency, during this year also. I therefore submit that when liquor contractors receive a concession, that concession should fairly be granted to these opium and ganja contractors also and they should not be kept out of its benefit. If, therefore, we vote a large sum like Rs. 7,39,000 for relieving the Abkari contractors, a part of it may usefully be spent on these other contractors also.

I hope that the resolution will commend itself to Government.

The Honourable Shaikh Ghulam Hussein Hidayatallah :—Your Excellency, —I support the resolution just now moved by my honourable friend Mr. Garud. I think the same principle ought to be applied to the opium and ganja contractors as has been applied to the liquor contractors. Some concession ought to be shown to the ganja and opium contractors. They also have suffered losses. If we adopt the same principle towards them as we adopted towards the liquor contractors, I think the opium and ganja contractors also will be satisfied.

With these words I support the resolution.

The Honourable Mr. S. B. Upasani:—Your Excellency,—I have very great pleasure in supporting the resolution. We have now adopted the principle of granting relief in these cases and I think we must now give effect to it also in all cases which come under hard cases and, in particular, in the case of the opium and ganja contractors in the Ahmednagar district in whose case the losses have been heavy and as regards whom not only the Collector but even the Commissioner had recommended a remission to the extent of 50 per cent. If that is the case, I think theirs is a very legitimate and deserving case for relief and, if we have allowed it in the case of liquor contractors, there is good reason for allowing it in the case of these people who have really suffered actual loss, not owing to any fault on their part, but owing to the famine and owing to Government not being able to prevent competition near the border and to Government having raised their own price of opium.

Considering these circumstances, I trust that the relief prayed for will be sanctioned and the resolution will be accepted.

The Honourable Mr. Purshotamdas Thakurdas:—Your Excellency,—I only wish to tell the Council some of the reasons why the ganja contractors in the Ahmednagar district deserve the concession that it is proposed to give them by the mover of the resolution. I happen to have seen copies of the petitions that were submitted to Government by these contractors. If the memorandums of the Collector of Ahmednagar as printed in those petitions are correct, I have no doubt that this resolution will commend itself to Government. The proximity of His Exalted Highness the Nizam's dominions to the Ahmednagar district, which brought about a loss to the contractors in the British territories in that neighbourhood, is a sufficiently strong reason to commend this resolution to the Council as well as to Government. My only hesitation is that we may be told by the Honourable Member in Charge that the item of Rs. 7,39,000 may be fully required for the purpose for which it has been earmarked. It is to be hoped that we may be able to save something on that item, but, supposing the whole of that amount is exhausted in giving relief to the liquor contractors, I would very strongly recommend Government to give relief to the ganja contractors in the Ahmednagar district from some other source. They fully deserve it on the same principle that your Excellency enunciated just before the division on the last resolution.

The Honourable Mr. D. V. Belvi:—Your Excellency,—In the face of the decision which has just been reached by this Council as regards item No. 24, it seems to me that to discuss this resolution any longer is like flogging a dead horse. It is evident from what the Honourable Mr. Curtis was pleased to tell us that the whole amount of Rs. 7,39,000 is required to compensate the liquor contractors. I do not therefore see any useful purpose in discussing this resolution. It is quite clear that this resolution, with which many of us sympathise, cannot possibly be translated into action. The inevitable effect must be that all the sympathy of this Council must go to these opium and ganja contractors but all our money, the amount of Rs. 7 lakhs and odd, should go to Messrs. Carew & Co. and the other liquor contractors.

COMPENSATION TO LICENSEES OF OPIUM AND GANJA— SWIMMING BATHS FOR DHULIA SCHOOLS.

[13TH MARCH 1920.] [*Rao Saheb H. D. Desai; Mr. G. S. Curtis; Rao Bahadur S. D. Garud; the President.*]

The Honourable Rao Saheb H. D. Desai:—Your Excellency,—I oppose this resolution because I want to be consistent with the principle which I have advocated, that contractors should not be encouraged to put in claims which may be very difficult to investigate and to come to a right conclusion. I would therefore oppose this resolution.

The Honourable Mr. G. S. Curtis:—May it please your Excellency,—My brain is in a whirl (laughter). I find that when one honourable member says that he is against any consideration being shown to contractors of liquor, two other members come forward to support him. A few minutes later the same members get up and say, in regard to giving compensation to licensees of ganja and opium who have suffered losses, that they have great pleasure in supporting the proposition, without giving any details as to where it is to be paid, why it is to be paid and on what principle it is to be paid. Now, sir, the first thing I have to say is that the whole resolution is quite unnecessary. Every shopkeeper, under the new system, pays a levy for the privilege of selling opium and ganja, which he pays by monthly instalments, and it might be desirable to give him easier terms. Under no circumstances would any item be required on the expenditure side and under no circumstances, therefore, would it be necessary to cut down the unfortunate item of 7 lakhs.

As regards the petitions from licensees of opium and ganja, I do remember that substantial concessions have been given in areas where the pressure of famine and general stress were great in 1919. Larger concessions were, I think, given in Ahmednagar than in East Khandesh and one or two other districts. What the resolution does not say is what talukas require compensation for the opium and ganja licensees. Of course, where the reductions in the amounts of sales were large, the shopkeepers made out a case for considerate treatment. I think, sir, that I should ask the Council to leave the matter at that. We are fully aware that, in certain areas of the Deccan, the demand for opium owing to agricultural distress has decreased and, having regard to that circumstance, the Commissioner has already received instructions to be as considerate as he possibly can. I, therefore, think the honourable member will have to withdraw his resolution.

The Honourable Rao Bahadur S. D. Garud:—Your Excellency,—I was referring to the districts that were affected by famine and scarcity in 1918-19, and particularly to the Ahmednagar district, to which the Honourable Mr. Purshotamdas referred when he gave me his support. I submit, sir, that the concessions which have been given to ganja and opium contractors in these districts have been inadequate. The only concession that was given to them was to ask them to pay up all that was due to them and they were then to be relieved of their contract altogether, that is, the shops were to be taken away from them altogether. That would deprive them of the profit they hope to make in a normal year which, I submit, is hardly a concession at all. Some concession might be shown to them by giving them a longer period of contract and enabling them to recoup themselves for what they have lost in bad times. Therefore I urged that, in giving a substantial monetary concession to liquor contractors, some reasonable monetary help might be given to opium and ganja contractors also. I submit, sir, that in giving these grants to liquor contractors, if any surplus is left over, provision for these contractors might be made from that sum, or some amount might be paid later to liquor contractors and that sum appropriated for this purpose. Government are the best judges of the situation and Government will decide what is most convenient to them. But what I seek is a provision in this present item to give monetary relief and concessions to opium and ganja contractors along with their brother liquor contractors.

His Excellency the President:—Does the honourable member desire to move or withdraw the resolution? Item No. 24 in the Draft Financial Statement still holds good. Therefore it is academic to carry on further discussion.

The resolution was then put to the vote and lost.

His Excellency the President:—Resolution No. 9. The Honourable Rao Bahadur S. D. Garud.

"This Council recommends that lump provision be made for grant of Rs. 10,000 for swimming bath for schools, Dhulia, to be met by a corresponding reduction in item No. 25 of the Draft Financial Statement B."

SWIMMING BATHS FOR DHULIA SCHOOLS.

[*Rao Bahadur S. D. Garud; Mr. G. S. Curtis; the President.*] [13TH MARCH 1920.]

The Honourable Rao Bahadur S. D. Garud :—Your Excellency,—Item No. 25 in the Draft Financial Statement B makes a lump provision for the amalgamation and re-organisation of the non-gazetted establishments (including menials) of the Department of Salt and Excise in the Presidency proper, the amount being two lakhs. In this provision certain sums will certainly be left unspent, and we may expect a certain amount of money to remain as balance. I, therefore, seek to make a provision from that balance by requesting Government to appropriate that sum for a grant for a swimming bath at Dhulia. This project was taken up long ago and was initiated by a Director of Public Instruction. But then the personnel of the department changed and, though we collected a popular contribution for the purpose, the matter had to stand over, because his successors in office did not like to push on with that project. That public contribution is, therefore, lying idle. But the object is still one which I think will commend itself to this Council and Government. I do not think there will be two opinions on the question of having a swimming bath in a hot place like Dhulia. I am sure the Honourable Mr. Curtis will bear me out when I say that in a hot place like Dhulia a swimming bath is not only not a luxury but a necessity, and I therefore seek to make a provision for that bath so as to enable Government to utilise the popular contribution which is at present, as I said, lying idle. The proposal contained in item No. 25 is not of such a nature as to require the whole amount. A part of it may be carried to next year and we certainly can have, if we really wish to do so, a small balance of Rs. 10,000 as a lump provision for the swimming bath. It is, of course, difficult to find out not only a suitable object but an item which can be dropped or modified to make provision for the money required for that object. I therefore hope that Government will show any other item, if necessary, and make provision for a swimming bath for schools at Dhulia.

The Hononourable Mr. G. S. Curtis :—May it please your Excellency,—The Honourable Rao Bahadur Garud's remarks have my entire sympathy. I fully endorse his opinion as to the absolute necessity of swimming baths during the hot months. But, sir, I still find myself unable to accept the view that item No. 25 can be reduced. In all these proposals for re-organisation, we have to work hand in hand with the Government of India as the controllers of the Salt Department and it becomes our duty, therefore, when we submit big schemes, to make full budget provision for our share.

Item No. 25 referred to represents our proposals which are before the Secretary of State. If he sanctions the scheme, it is incumbent on us to find a provision. Therefore I submit that, in the interest of administration, this item should not be reduced.

The Honourable Rao Bahadur S. D. Garud :—If Government approve of the scheme and are prepared to make a beginning, even a small amount may be sufficient this year. If Government say that in this case they are prepared to use unutilized portion of this grant this year, I shall be quite content and willing to withdraw the resolution.

The resolution was then put to the vote and lost, 2 members voting for and 19 members voting against.

The Council divided as follows :—

AYES.	NOES.
The Honourable Rao Bahadur Siddhanath Dhonddev Garud.	The Honourable the Advocate General (Sir Thomas J. Strangman, Bar.-at-Law).
The Honourable Mr. Shridhar Balkrishna Upasani.	The Honourable Mr. Rupchand Bilaram, LL.B.
	The Honourable Mr. R. H. Brooke.
	The Honourable Mr. F. Clayton.
	The Honourable Mr. J. G. Covernton, C.I.E.
	The Honourable Mr. Pandurang Anant Desai, LL.B.
	The Honourable Rao Saheb Harilal Desaibhai Desai, LL.B.

SWIMMING BATHS FOR DHULIA SCHOOLS—REVISED FINANCIAL STATEMENT.

[18TH MARCH 1920.] [*Sir G. Carmichael.*]

AYES.

NOES.

The Honourable Mr. Mahomedbhoy Hajeebhoy.
The Honourable Khan Bahadur Pir Baksh walad Mian Mahmud, C.I.E.
The Honourable Mr. P. J. Mead, C.I.E., I.C.S.
The Honourable Mr. Lalubhai Samaldas Mehta, C.I.E.
The Honourable Rao Bahadur Venkatesh Shriniwas Naik.
The Honourable Mr. L. Robertson, C.S.I., I.C.S.
The Honourable Rao Bahadur Ganesh Krishna Sathe, C.I.E.
The Honourable Mr. C. N. Seddon, I.C.S.
The Honourable Mr. Phiroze C. Sethna, O.B.E.
The Honourable Mr. H. O. B. Shoubridge, M. Inst. C.E.
The Honourable Colonel J. B. Smith, C.B., I.M.S.
The Honourable Mr. Purshotamdas Thakurdas, C.I.E., M.B.E.

REVISED FINANCIAL STATEMENT.

The Honourable Sir G. Carmichael :—Your Excellency,—The next head is Forests. The outstanding feature of the estimates is that the receipts have been increasing and so also the expenditure. The Forest Department is to a large extent a commercial department and the success of its administration is usually gauged by the surplus of revenue over expenditure, provided—and it is a very important proviso,—that the capital stock is always being improved and never allowed to deteriorate. In 1916-17 there was a surplus of about Rs. 30,50,000 with a revenue of Rs. 55,00,000. In 1918-19 with a revenue of Rs. 1,04,00,000 the surplus fell to Rs. 26,25,000. This year we expect a surplus of Rs. 32,50,000 and next year of Rs. 35,33,000. The demand from the Munitions Board and from the general public stimulated the extraction of the forest produce: on the other hand, the cost of extraction, of cultural operations and of establishment h s increased. In addition, capital has had to be spent on communications and on tools and plant. The expenditure deducted to arrive at the surplus includes the whole of this capital expenditure as well as what may be called working expenses. The high figures of receipts in 1918-19 (Rs. 1,05,00,000) and in 1919-20 (Rs. 96,00,000) included the cost of famine grass which was given at cost price. This valuable work has been done at cost price and therefore adds nothing to the surplus. A provision of Rs. 5,26,000 has been made for a scheme for improving the pay of rangers, foresters and guards.

In no branch of Government service has short recruitment and restriction of leave during the war produced a greater depletion of staff than in the Imperial branch of the Forest service. Work increased, but the number of officers available decreased. The officers responded devotedly to the extra demands on their energies, but we cannot carry on till new trained recruits are available. As a temporary expedient Government has decided to recruit temporary officers up to the number of five, and provision has been made in the budget. It is also advisable to relieve the Divisional Forest Officers of forest engineering work, both mechanical and other. This side of the business cannot develop unless in the hands of special experts. Government has long been anxious to develop the commercial side of the work of the Forest Department but could not, owing to shortage of staff, spare any officers for the purpose. Now it has been possible to make a beginning and a Utilization Conservator has been appointed.

REVISED FINANCIAL STATEMENT.

[*The President.*] [13TH MARCH 1920.]

His Excellency the President:—The Council will now adjourn till 11-30 on Monday morning.

The Council then adjourned till 11-30 a.m. on Monday, the 15th March 1920.

By order of His Excellency the Honourable the Governor,

G. DAVIS,
Secretary to the Legislative Council of the
Governor of Bombay.

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Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Proceedings of the Council of the Governor of Bombay.

Journal of the Proceedings of the Legislative Council of the Governor of Bombay assembled under the provisions of the Government of India Act, 1915.

The Council re-assembled at 11-30 a.m. on Monday, the 15th March 1920, in the Council Hall, Secretariat, Bombay.

PRESENT.

The Honourable Sir G. CARMICHAEL, K.C.S.I., I.C.S., *Vice-President.*

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

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

The Honourable the Advocate General (Sir THOMAS J, STRANGMAN, Kt., Bar.-at-Law).

The Honourable Mr. SALEBHOY KARIMJI BARODAWALLA.

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

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

The Honourable Mr. RUPCHAND BILARAM, LL.B.

The Honourable Mr. R. H. BROOKE.

The Honourable Mr. SHERIFF DEVJI CANJI.

The Honourable Mr. F. CLAYTON.

The Honourable Mr. J. G. COVERNTON, C.I.E.

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

The Honourable Rao Saheb HARILAL DESAIBHAI DESAI, LL.B.

The Honourable Mr. R. E. ENTHOVEN, C.I.E., I.C.S.

The Honourable Major C. FERNANDES, M.D., F.C.P.S., I.M.S.

The Honourable Rao Bahadur SIDDHANATH DHONDDEV GARUD.

The Honourable Dewan Bahadur KASHINATH RAMCHANDRA GODBOLE.

KHILLARI CATTLE FARM.

[*The Vice-President; Rao Bahadur S. D. Garud.*] [15TH MARCH 1920.]

The Honourable Mr. MAHOMEDBHOY HAJEEBHOY.
The Honourable Shaikh GHULAM HUSSEIN HIDAYATALLAH, LL.B.
The Honourable Mr. J. D. JENKINS.
The Honourable Mr. BALKRISHNA SITARAM KAMAT.
The Honourable Khan Bahadur PIR BAKSH walad MIAN MAHMUD, C.I.E.
The Honourable Mr. P. J. MEAD, C.I.E., I.C.S.
The Honourable Mr. CHUNILAL VIJBHUKHANDAS MEHTA, LL.B.
The Honourable Mr. LALUBHAI SAMALDAS MEHTA, C.I.E.
The Honourable Rao Bahadur VENKATESH SHRINIWAS NAIK.
The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE.
The Honourable Mr. GOKULDAS KAHANDAS PAREKH, LL.B.
The Honourable Sir DINSHAW MANOCKJEE PETIT, Bart.
The Honourable Mr. L. ROBERTSON, C.S.I., I.C.S.
The Honourable Rao Bahadur GANESH KRISHNA SATHE, C.I.E.
The Honourable Mr. C. N. SEDDON, I.C.S.
The Honourable Mr. PHIROZE C. SETHNA, O.B.E.
The Honourable Mr. H. O. B. SHOUBRIDGE, M.Inst.C.E.
The Honourable Colonel J. B. SMITH, C.B., I.M.S.
The Honourable Mr. PURSHOTAMDAS THAKURDAS, C.I.E., M.B.E.
The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI.
The Honourable Mr. HARCHANDRAI VISHINDAS, C.I.E., LL.B.

The Honourable the Vice-President (Sir G. Carmichael):—Order, order. Further consideration of the Revised Financial Statement. 11, Forests. Resolution No. 10. The Honourable Rao Bahadur Garud:—

"This Council recommends that lump provision be made for grant of Rs. 30,000 for Khillari Cattle farm, Shirpur, to be met by corresponding reduction in item No. 41 of the Draft Financial Statement B."

The Honourable Rao Bahadur S. D. Garud:—Mr. President,—Undeterred by my advice that it was impossible to make any provision for expenditure by a financial resolution, some of my friends and supporters in Dhulia saddled me with the task of moving this resolution and I am doing so in the hope that the Council will for once lay down a precedent that such a provision, in urgent cases at least, can be made by "direct action."

The scheme for the provision of a Khillari cattle farm was started on the initiative of Government officials. In his latest report the Director of Agriculture has recommended to Government the starting of a Government farm in the Shirpur taluka for the preservation of the Khillari cattle breed. The Agricultural Association of Shirpur took the lead and started a farm at Sangavi in the Shirpur taluka. That farm was started with the help and sympathy of the local Government officials and was also visited by the Director of Agriculture and I know that the Director of Agriculture and other officers of the department have given assurances of help from Government. But if we have to proceed by the circuitous route of departmental recommendations the matter would take a great deal of time. The farm which consists of nearly 50 cattle at present is enclosed by a thorny hedge. Recently I visited the farm at the end of February last and I was told that about two panthers have been busy taking away some of the finest cattle of the farm and, if the cattle are to be preserved and if it is not to be converted into a food store for panthers, a strong enclosure and some buildings for the men needed for the farm will have to be put up immediately. The need is great, the need is urgent. It is for this reason that I have taken this step of moving this resolution and I hope Government will see the necessity of providing for this item as soon as possible.

I am not very keen on striking out this item No. 41. All I want is that a provision for this farm should be made. If Government accept this resolution by modifying it in some manner, I shall be quite satisfied. The reason why I have chosen this item No. 41 is, as honourable members must have seen from the draft financial statement, that the scheme for the employment of two expert engineers has not yet received the sanction of the Government of India. We are providing this item in the budget in the hope that the higher

KHILLARI CATTLE FARM.

[15TH MARCH 1920.] [*Rao Bahadur S. D. Garud; Mr. P. A. Desai; Mr. S. B. Upasani.*]

authorities will sanction the scheme at an early date. If that sanction is not received in time, a good deal of the money will lapse and will be available for some other expenditure and I, therefore, suggest that a provision for this farm may be made by a reduction in this item. We have provided in this item Rs. 52,800 for various expert engineers. My submission is that when the scheme is sanctioned we may begin with three engineers and leave the recruitment of the other three engineers who are to be recruited in England to the next year. However, as I said, I am not very keen on particularly reducing this item if Government will see their way to provide for this very necessary and urgent expenditure for the Khillari cattle farm. I will be quite satisfied if some provision is made for the farm in some other way.

The Honourable Mr. P. A. Desai:—Mr. President,—I am glad to support the resolution moved by the Honourable Rao Bahadur Garud. It is common knowledge that Khandesh is one of the most important agricultural districts. It is also common knowledge that the Khillari cattle is one of the best of the country. Every attempt must, therefore, be made to preserve that species as far as possible. It has been shown by the Honourable Rao Bahadur Garud that at present there is no big shed for these cattle being preserved. They are liable to the depredations of wild animals like panthers. The object with which this resolution is moved is a very laudable one. Every attempt should be made to improve the quality of such cattle, and, when we know that cattle are being exported to foreign countries, I think every effort must be made to replace them as far as possible. If the quality of the cattle is improved, the agriculturists will be able to do the agricultural work with a less number of cattle and, in that way, there would be economic savings on account of the less number of cattle being used.

As regards the difficulty about providing money for this grant, the Honourable Rao Bahadur Garud has pointed out the sum could be provided by reducing the provision in item No. 41. As he has pointed out, there is the difficulty of recruitment of the three engineers and, if they are not forthcoming for the present, the provision will lapse. I, therefore, submit that the money required for the Khillari cattle farm should be provided from this item No. 41 and that it should be applied to this laudable object.

The Honourable Mr. S. B. Upasani:—Mr. President,—I have very great pleasure in supporting this resolution. Government is aware that in the famine of 1900 the district of Khandesh lost as many as 50 per cent. of its cattle and then the district had to face another famine in 1918 and in this famine, as Government are aware, more than 40 per cent. of the cattle were again lost. That being the case, if this item, which is proposed to be utilised for the Khillari cattle farm by the Honourable Rao Bahadur Garud, is allowed, it will be a great help to the agriculturists. In the absence of any measures taken by Government in the matter of replenishing the stock of cattle, people have taken upon themselves to make this experiment in the matter of the Khillari cattle farm. The local Government officials have visited the farm and they are of opinion that the farm deserves encouragement, help and support. The Director of Agriculture has taken interest in the matter, he visited the farm and he has also supported the recommendation of the local officers. Under these circumstances, the small provision that the Honourable Rao Bahadur Garud has asked for will, I think, meet with Government's approval.

Then, as regards the source which he has indicated, I do not think there would be any difficulty in making the required provision from item No. 41. This item is for the provision of three forest engineers and two experts to be recruited from outside India. On a reference to the civil budget estimate we shall find that we had already a fully sufficient staff required to meet the normal requirements of the department and that that staff has been recently strengthened year after year to meet the extra demands during war time. We have got three conservators and the chief conservator. Then an additional post of a separate conservator for Sind is proposed to be created this year. Besides th se highly paid officers there are 21 deputy conservators, 5 extra deputy conservators, 2 assistant conservators and 24 extra assistant conservators besides four probationary assistant conservators and the large army of rangers, foresters and guards. So there is a very large staff already and the superior officers, at any rate, must have sufficient expert knowledge about forest conveniences which are to be secured by these new appointments. That being the case, I do not think it would be desirable to recruit additional experts on high salaries from outside India.

Under these circumstances, I think the resolution should be accepted by Government.

KHILLARI CATTLE FARM.

[*Mr. R. P. Paranjpye; Dewan Bahadur K. R. Godbole; Rao Saheb H. D. Desai; Mr. Purshotamdas Thakurdas.*] [15TH MARCH 1920.]

The Honourable Mr. R. P. Paranjpye:—Mr. President,—I do hope that Government will consider the question of this Khillari cattle farm very favourably. I should have very much liked it if my honourable friend Rao Bahadur Garud had brought the matter of this cattle farm before at least some members of the Finance Committee so that we might have been able to place the matter before Government while the budget was being framed. It is rather a difficult thing to sweep down upon a particular item when the arrangements for entertaining these officers has already been far advanced. If the suggestion had been made to some members of the Finance Committee, they would have been able to press it on the attention of the Honourable Member in Charge and the Finance Committee.

However, I do hope that the amount of Rs. 30,000 or so, which is required, may possibly be spared in view of the important object aimed at by my honourable friend.

As regards the suggestion of doing away altogether with or reducing the item of Rs. 52,800 for the entertainment of forest engineers, I am not quite certain whether that amount is to be actually spent during this year. But, even supposing that it is required, I hope that Government will be able to give a sympathetic answer on this resolution which is of the utmost importance to the country. The stock of cattle in the country has been depleted to a lamentable extent on account of famine and it ought to be quickly replenished. I, therefore, hope that Government will give a sympathetic reply to this proposition.

The Honourable Dewan Bahadur K. R. Godbole:—Mr. President,—I want to make a few remarks with reference to this resolution. I am of the same opinion as the Honourable Mr. Paranjpye, that matters like this should be brought before the members of the Finance Committee, in the first place. Honourable members have to bear in mind that, in the matter of cattle farms, Government have a special officer whose business it is to arrange for cattle-breeding and for the establishment of cattle farms, and probably this officer has some scheme for the establishment of Khillari cattle farms in this Presidency.

Probably a scheme has been drawn up like this. I think on the whole that the step which the Honourable Mr. Paranjpye has suggested is the right one to adopt in such cases. When a revision of an item in the budget is to be pressed for the adoption of the Council, the proper way of pressing it is to place it before the Finance Committee in the first instance. It would be inconvenient for the Council at this stage to say that the particular item under consideration should be revised.

The Honourable Rao Saheb H. D. Desai:—Mr. President,—I rise to say that I am in full agreement with the views expressed by the Honourable Mr. Paranjpye and the Honourable Dewan Bahadur Godbole on this subject. The object is, indeed, a laudable one, but this is a matter which should have been brought up before the Finance Committee, and at this stage it is rather difficult to deal with it. But I do not see why it would not be possible for the Honourable Rao Bahadur Garud to bring up this matter as an ordinary resolution in Council, so that, if it is accepted or passed, Government may be in a position to make a provision if they can find any room for it. I may, however, say that the statement appearing in the list of questions and answers as Appendix "Y", in answer to question No. 8 of the Honourable Mr. Paranjpye's interpellations, throws some light upon several newly created appointments in several departments, and Government may consider whether this item cannot have precedence over some of these provisions which appear to be for officials who were wounded in the war and need to be provided for. In any case, the stage is too late and, consequently, it would be well if my honourable friend Rao Bahadur Garud would bring it up as an ordinary resolution.

The Honourable Mr. Purshotamdas Thakurdas:—Mr. President,—I rise to support the resolution. Although I think that any retrenchment in the provision made for the staff of the Forest Department is a thing not at all to be encouraged or wished for, I feel that, in view of the fact that the scheme is still before the Government of India and may take some time to be sanctioned, it is quite possible that Government may have certain balances left unused under item No. 41. I fail to understand why the Honourable Rao Bahadur Garud did not bring this matter to the notice of the Honourable Member in Charge in the Finance Committee, but I certainly think, sir, that that should be no bar to give unprejudiced consideration to an important item like this in this Council, because, if that were so, and if Government refused absolutely to consider any proposals made in Council by any member of this Council, I submit and make bold to say that the consideration of the Financial Statement before the Council would be a mere formality. In view of what has fallen from various honourable members who have preceded me, I venture to hope that Government will very sympathetically consider this question and see

KHILLARI CATTLE FARM.

[15TH MARCH 1920.] [*Mr. Purshotamdas Thakurdas; the Vice-President.*]

that the cattle at this farm get the protection and help that is very badly needed. If the recommendations of the Collector of West Khandesh and of the Director of Agriculture carry any weight, I am able to assure the Council that they wrote to me several times during the period of the last famine very strongly urging the famine relief committee here to give all the support possible for the protection of this breed of cattle, not only out of their existing funds, but out of their balances, if any, later on. I may say that the famine relief committee did all they could for this farm and I very strongly recommend this item for the sympathetic consideration of Government.

The Honourable the Vice-President (Sir G. Carmichael):—I am very glad the honourable mover has brought this subject up for discussion. I agree with what has fallen from the Honourable Mr. Purshotamdas, that it is open to a member of the Finance Committee, even after signing the Committee's report, to move a resolution in this Council in spite of the fact that he did not bring it up before the Finance Committee. At the same time I think it is most convenient that details, such as the one now under discussion, should be considered by the Finance Committee and I think the Honourable Rao Bahadur Garud should have brought the matter before the Finance Committee meeting in December or January.

The farm, I understand, is not a new one. I do not know whether the Honourable Rao Bahadur Garud considers that the farm is located in a suitable place. My recollection for the Shirpur taluka is that the neighbourhood of Palasner is a most unsuitable place for the location of a cattle farm, and, apparently, the chief ground on which this money is asked for is that without Government help the cattle will be destroyed by wild animals. Surely, that itself shows that the Shirpur Agriculturists' Association has not been judicious in selecting a site for their farm. This farm could have been located on some other site nearer the Tapti river where they could have more open land. It seems to me a wrong principle that Government money should be spent on an institution located in a place where it cannot possibly be properly run.

Another point is this. Government are already spending a very large sum on cattle breeding. If you turn to statement "B" of the Draft Financial Statement, you will see a large number of items which have been provided for the advancement of cattle breeding in this Presidency. First of all, Government have lately appointed an expert in cattle breeding, sheep breeding, and so on. They are giving a special grant in connection with the Chharodi cattle farm in Gujarat. They have provided for a new cattle farm at Bankapur in the Dharwar district. They have already spent considerable sums of money on the Chharodi farm in Gujarat, and the new provision for this farm is in addition. There is also an item of Rs. 15,000 provided for the Willingdon Cattle Farm at Karachi, item 380. Now, one must consider what part Government should take and on what objects Government money should be spent in this matter of improving the breeding of cattle in this Presidency. It seems to me that what Government should do is to provide means of instruction and advice and assistance to the private breeder. If an institution were run for private gain on a commercial basis, then possibly Government might have been willing to see that the persons who opened the institution received advice and assistance in starting it and working it. But it seems to me that the operations of an institution run by an agricultural association cannot be very much good to the country. What is needed is that the private persons, private landholders and private farmers themselves should take up the matter of cattle breeding. If they do, then Government assistance becomes of very great value.

The Honourable Rao Saheb Desai, I think, referred to the fact that cattle are being exported from this Presidency. As honourable members are aware, there has been considerable agitation about the export of cattle from Bombay ports. Now, it seems to me that this agitation is based on an entirely unsound economic idea. The statements made are that, if the cattle are allowed to be exported, the supply of milk will fail and cattle will not be forthcoming for the use of agriculturists. But, unless the private breeder has a very good demand for the stock which he produces, surely he is not able to carry on. If you do anything to increase the demand for the animals he breeds, then he will be able to provide better arrangements for the production of a larger number of cattle.

The stock of cattle, if the demand is a good one, will increase rather than decrease. I should like to tell this Council as to what happened in a part of the United Kingdom which I know pretty well, that is the north-east of Scotland. It is a bare, bleak country. The farmers used to have a very hard time of it, making both ends meet. But,

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[*The Vice-President; Mr. S. B. Upasani.*] [15TH MARCH 1920.]

about 30 or 40 years ago, a demand for cattle sprung up there, because they were needed for the Argentine, and then commenced a great export of cattle from that neighbourhood to the Argentine. The farmers responded by meeting that demand. They bred excellent cattle, improving the breed; they produced thousands of cattle and the cattle now in the area are far more numerous than could have been supported on the basis of the previous demands which the farmers were supplying. I took out the other day a small extract from a local paper of that part of the country, showing the results of a two days' sale of cattle in that area. The cattle are all brought together and auctioned off. The number of bulls sold was 348, at the average price of £71 or Rs. 700 each. This price is not for full grown animals, but for yearling stock. Cows were sold at £55 or Rs. 550 each, and 40 heifers, also yearlings, were sold at £59 or Rs. 590 each. That is the result of meeting a demand for the export of cattle, and there is absolutely no reason why that demand should not have the same effect in this country. The cattle exported from Bombay, or at any rate most of them, I think, go to Brazil. The reason why the Brazilian does not go to Europe for his cattle is that Brazil is a tropical country which is more like India, and the Indian cattle do better there than the European cattle; they are more immune from tropical disease. Now, if the Honourable Rao Bahadur Garud who, I believe, is a big landholder, who has all the facilities and plenty of leisure, would only take up private breeding, he would do a thousand times more for the improvement of the cattle breeding in this country than by promoting a farm run by an association in the wilds of Khandesh.

The Honourable Mr. Upasani said that the stock of cattle in this country had been depleted to 50 per cent. in the famine of 1900, and it had not been replaced before the next famine came along. I think the figures of the census of cattle on record show that this is hardly a correct statement. According to those figures, I think by 1910 the actual number of cattle had been more than made up.

The Honourable Mr. S. B. Upasani:—I took my figures from the reports of the Director of Agriculture for last year and previous years, and according to those figures the number of cattle had not been made up.

The Honourable the Vice-President (Sir G. Carmichael):—That may be for Shirpur. But I think for the country generally the census figures show that the loss had been made good by 1909.

I am sure that honourable members do not disapprove of the object of the expenditure under item No. 41, from which the Honourable Rao Bahadur Garud proposes that this Rs. 30,000 should be provided. It has been suggested, however, that the money could be spared, because Government have not got the engineers ready. As a matter of fact, we have been told by the Government of India that two engineers are available at once, and a third is expected to be available very shortly. I do not think there would be any difficulty in making a start from the beginning of the year. As I said in dealing with the main head of Forests, our forest staff is very small. The Honourable Mr. Upasani says that we have a large staff. The actual position at present is this. In the Imperial forest staff, there are 24 places. But there are 3 vacancies which have not been filled up, because there has been no recruitment during the war. There have been 4 retirements this year, and 2 officers are with the Government of India. One of them will probably remain with the Government of India, because he is being employed on very important work in connection with the development of forest economics in this country. The other was taken because they had no other man available to undertake the instruction of the forest class at Dehra Dun. That leaves us only 15, a very small number for the amount of work which has to be done. This staff was very hard worked throughout the war. They had to exert themselves enormously to obtain a supply of timber and other requirements for the Military Department. Now several of them are breaking down and have had to be given leave. The work is being done in double charges and it is quite unfair to say that the staff is sufficient to carry on the work. We must do something to relieve the existing staff of this special work. After all, this expenditure which Government hopes to incur as soon as possible is reproductive expenditure. It will pay itself a hundred times over, and I think it would be most unwise to cut it out or postpone it.

There is one small point of great importance which I wish to make and it is this. As you all know, there have been great complaints about the rise in the cost of building material and Government have been appealed to do what they can to reduce the cost of building materials. With the aid of forest engineers we shall be able to produce a larger quantity of building material and put it on the market. This we shall not be able to do

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without the aid of these engineers. It is very important to do everything possible to reduce the cost of building materials, when we have so big a building programme in Bombay, Karachi and other places.

With these remarks, I hope that this Council will not agree to the Honourable Rao Bahadur Garud's proposal.

The Honourable Rao Bahadur S. D. Garud:—Mr. President,—I am thankful to the Honourable Mr. Purshotamdas for the support he has given me, and, if he had been able to give us from the famine relief fund the money that the Director of Agriculture and the Collector requested him to give for this farm, I should not have come to the Council with this resolution at all. Now, the farm is situated, as I said, near Palasner which, if you recollect, is the home of the Khandesh Khillari breed. All the Khandesh cattle come from the northern part of Shirpur and the best cattle in the bazaar are bred in that part of Khandesh, and it is therefore necessary to create a centre there for distributing good Khillari cattle to the other parts of Khandesh. It is with that view that this farm has come into existence. Even after the farm came into existence, it was difficult to get pure Khillari cattle for it. It is with a view to encourage the breeding of the pure Khillari cattle that the Director of Agriculture has also made a recommendation to Government to start a farm, I understand, in that very area, and Government will, I think, accept this recommendation and start a farm there. There is need for more than one farm of that nature there. It is because the farm cannot be run on efficient lines that good cattle cannot be bred in Khandesh, and it is so difficult to get pure bred bulls. I hope, therefore, that Government will give favourable consideration to my proposal. The proposal which I am bringing up now may perhaps look rather sudden to the members of the Council, but Government had due notice of the proposal and I hope Government have utilised that time in finding out how best they can meet the suggestion made in my proposal. But Government, I find, are not inclined to view the proposal favourably.

The second point is the item from which I ask that the reduction should be made. As I said in the beginning of my remarks, I am not very keen on reducing that particular item if Government think that it would be absolutely necessary to spend the whole of it. But they can meet my proposal by pointing out some other item. I think that in a budget of Rs. 15 crores, there is certainly room for small urgent items like the one that I have brought before the Council, and if Government are not, in the first place, inclined to accept the proposal and, in the second place, are not inclined to show any other source from which that money can be easily taken, I submit that I am helpless.

I trust that the object which I have in view in bringing forward this resolution will commend itself to the members of this Council, and I hope the Council will carry my resolution.

The Honourable the Vice-President (Sir G. Carmichael):—I wish to make one more observation with regard to what the Honourable Rao Bahadur Garud has said. I understand from the Honourable Mr. Curtis, and it is also my own impression, that there are no Khillari cattle bred in Khandesh, but that they all come up over the border. Shirpur may be the place from which they enter the district, but there are no places in Khandesh where they are bred, and the Honourable Rao Bahadur Garud has not told us of any. I doubt very much whether you can breed Khillari cattle in Khandesh.

I should like once more to lay stress upon the fact that the only way by which you can make progress is for a private person to undertake it and set an example to the others. Without this we shall not make any progress at all. Government could not possibly afford to undertake the whole of the cattle breeding operations. The Honourable Rao Bahadur Garud suggests that Government should have a number of farms there. That will be quite impossible.

With regard to the suggestion that the Honourable Rao Bahadur Garud has made, that Government might consider the question of providing the money from some other item, I think it is quite impossible for Government to do that.

It would really mean that we should have to take an amount from one item in order to meet another. As the Honourable Mr. Curtis pointed out yesterday, the arrangements for discussing these financial resolutions are somewhat inconvenient. A member has to balance a proposal for spending money on a particular object by a proposal for a corresponding reduction on another. But this is the last occasion on which this inconvenient method will be adopted, as future discussions will be on an entirely different basis.

KHILLARI CATTLE FARM—ARUNAVATI BRIDGE.

[*The Vice-President; Rao Bahadur S. D. Garud.*] [15TH MARCH 1920.]

The resolution was put to the vote and lost, 12 members voting for and 17 against.

The Council divided as follows:—

AYES.	NOES.
The Honourable Mr. Dattatraya Venkatesh Belvi, LL.B.	The Honourable Sir George Carmichael, K.C.S.I., I.C.S.
The Honourable Mr. Ghulam Muhammad walad Khan Bahadur Wali Muhammad Bhurgri, Bar.-at-Law.	The Honourable Mr. G. S. Curtis, C.S.I., I.C.S.
The Honourable Mr. Pandurang Anant Desai, LL.B.	The Honourable Sir Ibrahim Rahimtoola, Kt., C.I.E.
The Honourable Rao Bahadur Siddhanath Dhonddev Garud.	The Honourable the Advocate-General (Sir Thomas J. Strangman, Kt. Bar.-at-Law).
The Honourable Sheikh Ghulam Hussein Hidayatallah, LL. B.	The Honourable Mr. Rupchand Bilaram, LL.B.
The Honourable Mr. Balkrishna Sitaram Kamat.	The Honourable Mr. R. H. Brooke.
The Honourable Rao Bahadur Venkatesh Shrinivas Naik.	The Honourable Mr. F. Clayton.
The Honourable Mr. Raghunath Purshottam Paranjpye.	The Honourable Mr. J. G. Covernton, C.I.E.
The Honourable Mr. Phiroze C. Sethna, Q.B.E.	The Honourable Rao Saheb Harilal Desaibhai Desai, LL.B.
The Honourable Mr. Purshotamdas Thakurdas, C.I.E., M.B.E.	The Honourable Mr. R. E. Enthoven, C.I.E., I.C.S.
The Honourable Mr. Shridhar Balkrishna Upasani.	The Honourable Khan Bahadur Pir Kaksh walad Mian Mahmud, C.I.E.
The Honourable Mr. Harchandrai Vishindas, C.I.E., LL.B.	The Honourable Mr. P. J. Mead, C.I.E., I.C.S.
	The Honourable Mr. Gokuldas Kahandas Parekh, LL.B.
	The Honourable Mr. L. Robertson, C.S.I., I.C.S.
	The Honourable Mr. C. N. Seddon, I.C.S.
	The Honourable Mr. H. O. B. Shoubridge, M.Inst.C.E.
	The Honourable Colonel J. B. Smith, C.B., I.M.S.

The Honourable the Vice-President (Sir G. Carmichael):—Resolution No. 11, the Honourable Rao Bahadur Garud.

"This Council recommend that lump provision be made for grant of Rs. 20,000 for Arunavati bridge, Shirpur, to be met by a corresponding reduction in item No. 42 of the Draft Financial Statement B."

The Honourable Rao Bahadur S. D. Garud:—Mr. President,—I did not bring this proposal before the Finance Committee, because really the most ideal way is not even to go to the Finance Committee but to go to some Government department. However, since I have the right to move a resolution directly in the Council, I take this opportunity to move this resolution in open Council.

It would perhaps be pertinent first to give a brief history of the Arunavati bridge. At the initiative of a Government official the large amount of Rs. 8,000 was collected from the people of Shirpur to give them a bridge near their town over a nullah, which is called the Arunavati river. This fund was collected four or five years ago and has been lying idle all this time, because nothing was done subsequently in the matter, as the particular official who was keen on getting that bridge was transferred to another place. Now this money has been lying quite unutilised for a long time, and there is also no hope, even in the distant future, of Government supplementing the popular contribution to put up this work. Unless Government come to the aid of the people with a substantial contribution,

ARUNAVATI BRIDGE.

[15TH MARCH 1920.] [*Rao Bahadur S. D. Garud; the Vice-President; Mr. G. S. Curtis.*]

a very desirable work, which would connect Shirpur with other parts of Khandesh, will remain uncompleted. At the present moment there is a great deal of cart traffic there. As you are aware, this is the big hitch between the Agra Road and Shirpur. Though the river is not full, it is risky for a full laden cart to go over that nullah.

Now, since the money was raised so many years ago at the initiative of a district officer, I submit, sir, it behoves Government to make some provision for that work being carried out, and I hope that the money will be given from item No. 42 which is for the "entertainment of five additional temporary Forest Officers on Rs. 800 each per mensem." This is a kind of work which may, if some other urgent work is to have preference, be postponed for some time. I know that the forests are an item of increasing revenue, and that we may be able to develop them. But since this development has been postponed so long in favour of some other more urgent. . . ."

The Honourable the Vice-President (Sir G. Carmichael):—I must point out to the honourable member that it has not been postponed.

The Honourable Rao Bahadur S. D. Garud:—Well, I submit, sir, that this expenditure has been taken up for the first time by Government, and, since it is taken up by Government for the first time this year, I submit it may as well be stayed over for the next year.

The Honourable Mr. G. S. Curtis:—Is this bridge on a provincial road or a local board road?

The Honourable Rao Bahadur S. D. Garud:—I am afraid I am not able to give correct information on this point.

The Honourable Mr. G. S. Curtis:—Mr. President,—On principle this resolution ought to be opposed and rejected. The honourable member comes forward with a statement that there is a certain town which is connected by a road with the main road, Agra Road. My recollection of that road is that it is a taluka local board road, and he suggests that it ought to be bridged. *Primâ facie*, if the road is a local board road, the bridge ought to be made by the local board, and therefore the only question can be a request for an additional grant for the erection of the bridge from the taluka local board and the district local board. It is quite irregular, I submit, that any local representative, without going to the local authorities, should come direct to the supreme Government for a grant to enable a work to be completed, which, for aught we know, the local body may be perfectly able to do. This is objection No. 1.

Objection No. 2 is, I submit, this. It seems to me to be a case of the tail wagging the dog. We are told that five years ago some Government official—who that official is, is not stated—raised a fund of Rs. 8,000 for this particular bridge. Therefore it is argued that, because the local board, the public of Shirpur and the municipality of Shirpur, who may require a bridge over the nullah, did not take any part in this transaction, these bodies are to be placed on the one side, and the Government ought to come with a large grant of Rs. 20,000 to bear the cost of the bridge. There must be many members of this Council who come from localities near which there are ditches, nullahs and flowing streams at least as dangerous, at least as much in need of crossing over,—shall we say by modern ferry boats?—as this particular Shirpur bridge, which, as far as my recollection goes, is only dangerous for a very few days in the year, and who have not approached this Council. It would be dangerous to select this bridge for a grant when there may be more deserving cases.

Therefore, on these two principles I submit this resolution should be rejected.

The Honourable the Vice-President:—I have to add one remark with regard to my interruption of the Honourable Rao Bahadur Garud. He said that the scheme for this bridge should not be postponed as it had been delayed for so long. As I said in speaking on the subject of the proposed reduction, of the forest engineering staff, it is impossible to carry on unless the forest establishments are strengthened. Three vacancies have not been filled on account of no recruitment having taken place during the war. There have been four retirements and two officers are working for the Government of India, *i.e.*, 15 only remain out of 24. A large number of men have been working throughout the war without any leave at all, some have had no leave since two or three years before the war. Leave had to be given. The work has increased during the war and, unless we get temporary men, we cannot carry on.

ARUNAVATI BRIDGE—REVISED FINANCIAL STATEMENT.

[*Rao Bahadur S. D. Garud; the Vice-President; Mr. G. S. Curtis.*] [15TH MARCH 1920.]

The Honourable Rao Bahadur S. D. Garud:—Since Government are not inclined to move in the matter, I shall feel content myself in having brought this matter to the notice of Government.

The Honourable the Vice-President:—The resolution is by leave withdrawn.

The resolution was by leave withdrawn.

The Honourable Mr. G. S. Curtis:—Under the head Registration, as regards the increase of fees from registration, this is largely due to increased commercial activities and transactions in property.

The Honourable the Vice-President (Sir G. Carmichael):—Under the head Interest. I have nothing to add to the information given in paragraphs 24 and 25 as well as 27. As will be seen, there is an increase both in the revenue and expenditure. This is due to the heavy advance of tagavi after the failure of the monsoon in 1919.

Under the head General Administration, the budget proposals are for an expenditure of twenty six lakhs thirty six thousand as against twenty six lakhs seventy three thousand in the revised estimate of the current year. The increase over the actuals is due to the increase of pay of establishments and to three additional appointments of secretaries. One of these is for the special work occasioned in connection with the preparation for the introduction of the Reform Scheme of Government.

Under the head Law and Justice. Among the new proposals for which provision is made, there are two major ones. The first is the appointment of an eighth judge to the Bombay High Court to cope with the increasing work. The appointment has been sanctioned for a period of one year. The second is the creation of two new district judgeships. At present four revenue districts have no district and sessions court of their own but are included within the jurisdiction of adjacent districts. The proposal is that each of these four revenue districts should have a district and sessions court of its own. As a beginning, provision in this budget has been made for two district judgeships—one for the district of Kaira, which is included in the Ahmedabad district, and the other Kolaba, which is included in the Thana district. The needs of these two districts are considered to be more urgent than the other two. The other increases under this head are very largely due to the revision of the pay of establishments.

Under the head Jails. The expenditure has risen comparatively rapidly since 1916-17. Partly the increase is due to improvement of the pay of the establishments and partly to an increase in the jail population and high prices, which have greatly increased the average cost of maintenance per head. Part of the increase in the total is nominal because it is the result of transfers to this head of account of the cost of re-settlement of criminal tribes. This settlement work undoubtedly helps to keep down the population of the jails and is gaining a large measure of success. It has been recognized for some time past that the accommodation in all our jails is inadequate and that the buildings in some instances are below the standard of modern sanitary requirements. This is particularly the case with some of the older jail buildings. Schemes for their improvement are being pushed on. This will necessitate a heavy expenditure.

Under the head Police (Provincial), paragraphs 46 to 52. The budget is for one crore and sixty-seven lakhs as against one crore forty-eight lakhs in the current year. There is an increase of 19 lakhs over the expenditure for the current year. Out of this, three lakhs represent a nominal increase. The Government of India have decided that the Railway Companies should meet the cost of watch and ward police and Government that of crime and order. This involves an extra charge of three lakhs a year on the provincial revenue. But, on the other hand, the Government of India have given a contribution of the like amount. This is paid through the "transfer" head. Of the remaining sixteeen lakhs a greater part is for the improvement of the pay and allowances of the police force. I think the honourable members will agree that never in the history of this Presidency has it been more urgent than at present that we should have a contented and efficient police force—a force recruited up to its full strength. The pay of the force has been raised by the grant of war allowance to meet the rise in prices and to maintain the strength of the force in the face of the great and increasing attractions of other forms of employment. What has been done has not entirely met the situation. The economic stress has increased instead of decreasing. The terms offered are found still insufficient to attract suitable

REVISED FINANCIAL STATEMENT.

[15TH MARCH 1920.] [*The Vice-President.*]

men in the number required. The police force is in fact considerably below its proper strength. This means that an unduly heavy burden of duty falls on the men who are in the force. Take, for example, the city of Bombay police. The strength is 3,000; they are short by about 500; that means that the work of 3,000 has to be done by 2,500. Lately, the work has been very arduous and, I think, it would be hardly right that we should remain idle and do nothing to bring this force up to its full strength. It is not only in Bombay that the police force have been subjected to a great strain during the past 12 months but in other places also, and I think the honourable members will agree that the force has borne the strain loyally and devotedly and their cheerful obedience and tact have tided us over many critical moments. Therefore, it is incumbent upon the Government to see that the terms offered are such as to secure the force being maintained at the full strength required for the duties to be carried out by them. The budget provides for a revision of pay on a permanent basis and also for various minor improvements. The more important minor provision is two lakhs—not a large amount—for free clothing to officers and men below the rank of sub-inspectors. The cost of cloth of all descriptions has gone up and the amount required for this supply of clothing is much more than it used to be.

Apart from the revision of pay and allowances, there is an important scheme for organizing sub-divisional police.

This will ultimately cost five lakhs and a half. In the present budget provision is made for an expenditure of 2·76 lakhs on this scheme. The idea underlying the scheme is that the revenue districts will be divided into police sub-divisions in the same way as they are divided into revenue sub-divisions. The sub-inspector will become the police officer of the taluka and under the District Superintendent there will be a Deputy Superintendent or an Assistant Superintendent in charge of each sub-division of the district.

The Inspector-General of Police, the Honourable Mr. Robertson, tells me that he hopes this scheme will effect great improvement in the investigation of crime and in the control over the criminal classes.

There are three other proposals dealing with the provision of separate police establishments for the cities of Karachi, Ahmedabad and Poona. This, it is hoped, will secure greater efficiency in the police administration of these large cities. It will also improve the administration in the districts where these cities are situated, because at present the time of the District Superintendent of Police is very much occupied by the work of the city and he is unable to pay due attention to the control of crime in the district outside. This proposal is the subject of a resolution.

Lastly, a provision is made for establishing a mounted police force. Events in Kaira and Ahmedabad last April, which will be in the recollection of this Council, made it abundantly clear that the magistracy and the police would have been more successful in coping with the disorder which occurred if they had at their disposal a body of mounted police. Government, therefore, propose to provide a small body of mounted police in certain districts. These districts will be those where there are large industrial centres and one or two districts where robberies are particularly rife and mounted police can be used with advantage against the disturbers of public peace. The total number of mounted police is considerably smaller than what was entertained in the past. The total is 150 altogether including head constables.

Before concluding my remarks on the head "Police" I feel I must allude to one important element in the position with regard to the strength of the police force in future. By reason of the industrial and other unrest in the past year we have had on several occasions to ask the military authorities to assist the civil power. We had to do so not only when disorders have occurred but also as a preventive and protective measure. Leaving aside for a moment the situation which arose in April last, I think it is a fair statement of the case that in the Bombay mill strikes in 1919, and again in 1920, the military were employed for prolonged periods on what were purely police duties. Now, if such strikes were to become a common feature, it is obvious that the Army Department will be justified in saying that we must increase our police force sufficiently to deal with the situations that are created by the strikes and, if they put the matter to us in that way, I do not think we should have any just ground for refusing to make necessary provision under the head "Police".

FREE READING ROOMS AND LIBRARIES.

[*Mr. B. S. Kamat.*] [15TH MARCH 1920.]

The Honourable the Vice-President (Sir G. Carmichael):—Resolution No. 12. The Honourable Mr. Kamat.

"This Council recommends that Government may be pleased to make a provision of Rs. 25,000 under head 22, Education in the budget for the next year, for grants-in-aid to approved Free Reading Rooms and Libraries in the Presidency chiefly for the purchase of reference books, and that a corresponding reduction be made in item No. 207 in Statement B of the Draft Financial Statement (Lump provision for bad climate allowance to Police Officers)."

The Honourable Mr. B. S. Kamat:—Mr. President,—The resolution which I wish to move recommends to Government to make a provision of Rs. 25,000 under the head, 22, Education, for grants-in-aid to free reading rooms and libraries, chiefly with a view to enable them to purchase reference books. These free reading rooms and libraries are springing up of late years in the mofussil, chiefly with a view to enabling the poorer members of the community to have access to newspapers of the day as well as to books, especially reference books. The principle on which they are started is that well-to-do members of society tax themselves in the shape of subscriptions in order that a man in the street might be able to walk in and read the morning papers and thus educate himself. Such libraries in countries in the West are a common feature. They are kept by municipalities and perhaps assisted by grants from the national exchequer. In fact, every big town in the West has one or more splendid libraries equipped with all sorts of books which people can have access to.

Unfortunately, in this country I do not think the resources of municipalities are able to stand the strain for giving sufficient grants for such free reading-rooms and libraries; neither can we have at the present stage of the community in this country a Public Libraries' Act compelling municipalities to levy municipal rates in order to maintain such libraries. It is inevitable therefore, at the present stage, at any rate, that libraries attempting all these voluntary purposes should be assisted as far as possible by Government, that is to say, by the general taxpayer.

I think this principle is admitted even in the budget which we have in our hands at the present moment. Thus, by way of analogy, I can point to donations which are provided for in this year's budget for certain societies of a miscellaneous character. For instance, there are donations sanctioned for the Society for the Promotion of Oriental Learning, or the donations which are provided for the museums, or donations for such societies as certain settlements at Khandala, and similar institutions.

If, therefore, a general taxpayer, in order to encourage certain good things, makes a grant to such miscellaneous societies, I do not see why a very small grant of Rs. 25,000 should not similarly be given to encourage a very good object, namely, to have free reading-rooms in different towns with a view to educate the ordinary man in the street.

The chief difficulty which is found in certain towns in the mofussil is with reference to reference books: for instance, books like the Gazetteer or the Civil List or books like the Encyclopædia or books like 'Who's Who' or the India Office List and such like publications. People in the mofussil, if they want to have some information from such books, have to come to Bombay or to go to some big literary libraries, like the Servants of India Society's Library in Poona. Therefore, it is quite desirable, from this point of view at any rate, to help these free reading-rooms to purchase reference books by making them grants from this amount of Rs. 25,000 which I have proposed.

I have indicated that this amount of Rs. 25,000 should be drawn from item No. 207 in Statement B, *viz.*, lump provision for bad climate allowance to police officers. I indicate this source not because, on its merits, I am against the giving of bad climate allowance, but owing to the system under which a member of this Council has to indicate some source or other from the budget statement. Even apart from this, I think this item, which provides for the grant of bad climate allowance, Rs. 52,000, is not an urgent item which ought to be provided for this year. Under the head Police we have this year enhanced our expenditure by something like Rs. 19,00,000. We have this year made provision for a number of improvements in the department of police. If, therefore, certain other improvements are kept over for the next year or subsequent years, I do not think the police department need grumble at us. In other words, I think this item of Rs. 25,000 which I have proposed is for a better purpose and is of a much more urgent nature than the bad climate allowance for which Rs. 52,000 have been provided. Indeed, sir, I do not see that it is necessary to enhance the rate of bad climate allowance. I can quite appreciate that the war allowance has to be increased, that the house-rent allowance

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may have to be increased, because house rents may have gone up; but I cannot understand why a bad climate allowance has to be increased. I do not think since the war the climate has become worse than it was before the war.

Then there is another principle involved. What Government proposes is not only to enhance the rate of the bad climate allowance but they want to widen the circle of bad stations. They say they have discovered some new notoriously bad stations in the three divisions and that, therefore, they propose this bad climate allowance for these additional stations. I do not understand, sir, why all these years these notoriously bad climate stations were in hiding. I do not really understand the principle underlying the whole of this idea of giving bad climate allowance. As Government servants, I believe, the officers must take bad and good stations alike. If, during the course of their official career, they are sent to a good place like Poona at one time, they must also accept the other alternative, namely, to be sent to a bad climate station another time. They must take good and bad climate together. At any rate, I see no reason why these bad climate allowances are to be increased.

I have shown, sir, that these free reading rooms and libraries deserve to be encouraged. I have also shown that it is necessary to make certain grants on the same analogy as the donations made to certain miscellaneous societies and I think I have been able to show that there is no urgent need for enhancing these bad climate allowances for the Police Department. In fact, this item of Rs. 52,000 is uncalled for for the bad climate allowance. My proposal of providing Rs. 25,000 instead for grants to free reading rooms and libraries is a laudable and commendable one and I hope the Council will allow it to be inserted in this year's budget by making a corresponding reduction in the item for the provision of Rs. 52,000 for the bad climate allowance to police officers.

The Honourable Mr. P. A. Desai:—Mr. President,—I strongly support the resolution which has been so eloquently moved by the Honourable Mr. Kamat. Up till now we have discussed several resolutions but they have no more value than an academic one. We have been told that the objects for which these resolutions are moved are certainly noble and laudable objects but the question is that the money which is required for these objects cannot be cut off from the items that have been provided in the budget.

Now, here the same thing may be urged, namely, that we are bound to make allowances for bad climate for certain police officers. No doubt, we have to make provision for that, but the question here is of convenience and inconvenience. If we are to look to the convenience of a few police officers, we are to sacrifice the interests of a large number of people who would be benefitted if we make this grant-in-aid to these noble institutions, namely, free reading rooms and libraries, where, I submit, real difficulty is now felt for the want of these books of reference. If we read something of a subject and we want to refer to a big book on that subject, in the mofussil it is very difficult to get such books, for instance, books on currency questions and so on. So, if this grant of Rs. 25,000 is cut off from the allowance of Rs. 52,000 which is provided for the grant of bad climate local allowance, I think the purpose would be served, and, next year, if Government thinks it absolutely necessary to give these bad climate allowances to police officers, I think adequate provision may be made next year. But, if we cut off the amount, as proposed at present, I do not think there will be much inconvenience to the police officers. With these remarks I strongly support the resolution.

The Honourable Mr. L. Robertson:—Mr. President,—I rise to oppose this resolution. I may say at once that I am quite in agreement with the honourable mover that an effort to provide reference books for free libraries is a good and useful measure. I consider, however, that the duty of providing free libraries is municipal and is not one which Government should undertake. I object to the proposal and hope this Council will not approve a measure which will provide facilities for the people of the Presidency to satisfy their literary curiosity or their appetite for facts and figures at the expense of the health of the police force.

Now, I may tell the Council what these allowances are and the objects which they are designed to serve. No new principle is involved in this proposal of bad climate allowances. They have been a feature of our administration for very many years and, in the places where they are paid at present, they are not drawn only by the police force, but by members of other services of Government also who are stationed at unhealthy places. The object of bad climate allowances is two-fold. In the first place, the additional allowance is provided in order that a man in the service of Government may be able to procure a more copious and more nourishing diet than he could procure without any addition to his remuneration, so that he may be able to combat disease. In the second place, it may be explained

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to the Council that service in these unhealthy places is, of course, very unpopular and some small extra remuneration helps to make a man transferred to such places contented with his lot. Now, the Honourable Mr. Kamat has taken objection to the enhancement of the rates of bad climate allowances on the ground that the climate is not really any worse now than before the war. But I would remind the honourable member that the prices of all articles of diet have largely increased and the articles which these bad climate allowances are designed to cover have also risen in price. For instance, milk, ghee, rice and so forth, have all abnormally risen in price. Then the honourable member has objected to the extension of these bad climate allowances to places where they have not been paid. I can assure the Council that the places where the bad climate allowances will be paid are all extremely unhealthy and extremely unpopular amongst the police force and it does not appear to me to be a good argument to say that because we have not in the past behaved very well to the Government servants who have to work there, therefore we should continue this treatment in the future. I may just mention the rates at which these allowances are to be paid at the places at which they will be admissible. The highest officer who will get the allowance is an inspector, and he is to receive at the rate of Rs. 20; the sub-inspector will receive Rs. 15; the head constable Rs. 5 and constable Rs. 3. I would also point out to this Council that if the officers at these places get sick, other men have to be sent to take their places, which means considerable expenditure in the shape of travelling charges owing to inaccessibility of these places, and so forth. I therefore trust that this Council will not pass the resolution now before them.

The Honourable Mr. R. P. Paranjpye:—Mr. President,—I do not wish to say much about the principle of helping the free reading rooms and libraries, because I think that the absence of any wide system of free reading rooms and libraries is a great deficiency in the general educational system of our Presidency. I know of a Native State near by, for instance, where there is a large department of public libraries and I wish our Member in Charge of the Educational Department had put his mind to that subject. But what I wish to point out is that I am rather against giving these bad climate allowances in general. The arguments that are urged by the Honourable the Inspector General of Police do not appear to me to be very sound. There is a homely proverb, " Give a dog a bad name and hang him ". I think that a similar proverb would apply to such allowances; " Give a place a bad name and then give the officers there a bad climate allowance ". Well, after all, people have been living in these bad places. Places like Surat.....

The Honourable the Vice-President (Sir G. Carmichael):—Might I explain to the honourable member that it is only in parts of the Surat district that these bad climate allowances are given and not in Surat city?

The Honourable Mr. R. P. Paranjpye:—These districts of Surat, Thana, Khandesh, Nasik and Kanara appear to ordinary eyes not to be bad in point of climate. A large number of people are living there. Of course, many people would like to have allowances of various kinds under one name or another. We would all like to have allowances. The question is whether we are to encourage such allowances. There is also another thing. I think it is a recognised fact that an officer in the service of Government understands that he has the liability of serving at all times and at all places, and, if I am correctly informed, some of these unhealthy places are looked upon as a kind of penal settlement for some of the Government officers who are incompetent and I do not think that this inverted benefit of these places should be lost in this manner.

Then, again, there is the argument about the high prices of food-stuffs. Now, I do not know that bad climate has anything specially to do with high prices. I do not know why the allowance on account of high prices should be coupled with bad climate only. We have always been asked to sanction additional allowances owing to high prices, and they are given in other places also where there is good climate. What I wish to point out is that the system of these special allowances, particularly bad climate allowances, should not be encouraged more than it is absolutely necessary to do. In this case, I do not think that the Council should sanction these bad climate allowances.

The Honourable Mr. Harchandrai Vishindas:—Mr. President,—While listening to the Honourable the Inspector-General's remarks, especially his remarks that these allowances are not any extraordinary or new feature of the budget, but that they are a common feature of the budget, I expected him to elaborate his proposition by giving details as to this point; for instance, whether bad climate allowances are asked for in the case of other than police officers also. But I should imagine that the circumstances which have

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been suggested, such as the necessity of nourishing food, high prices and so forth, would apply equally to the officers of other departments with those of the Police Department. But personally I am not aware of any such bad climate allowances being provided in other cases. That being so, I think a great force lies in the remarks of the Honourable Mr. Paranjpye that bad climate is a condition which is incidental to service and must be put up with as an unavoidable evil. There are places in Sind where, when officers are transferred, they grumble a good deal, because the local conditions are very unfavourable. As the Honourable Mr. Paranjpye said, these are considered to be rather as penal settlements for incompetent officers, and sometimes officers who are degraded are sent to these places. I think Government are introducing a very bad precedent in proposing to grant allowances for the sake of giving nourishing and good food to people in bad climates. If we approve of this, all kinds of people in future will come forward and make claims like this and the Finance Department would be greatly embarrassed. For these reasons, I think no strong case has been made out for the retention of this item and I quite agree with the honourable mover that this item should be disallowed.

Now, with regard to the Honourable the Inspector-General of Police's remark that the duty of providing free reading rooms and libraries is a duty of the municipality, I think he must be referring to the mofussil municipalities which are governed by the District Municipal Act of 1901. There are two sections in that act, *viz.*, 54 and 56. Section 54 lays down the obligatory duties of municipalities, that is, duties which municipalities are bound to provide for, and section 56 voluntary duties. I do not remember just now whether the duty of providing a free library falls under section 56, but I am sure that this is not an item under section 54. That being so and knowing that most of our municipalities have not got such prosperous financial conditions as to be able to make provisions for these objects and knowing also, at the same time, that there are various municipal duties which for want of funds are now being done by Government, I think the proposal of my honourable friend is not at all unreasonable and I therefore most strongly support the resolution.

The Honourable the Vice-President (Sir G. Carmichael):—I would just like to ask the honourable mover one question. I have not had time to look up all the items. He said that there are similar items where the principle has been accepted. I would like to know what they are.

The Honourable Mr. B. S. Kamat:—Mr. President,—I take it that similar items to which I referred are these :—

(i) Donations to scientific societies include a grant-in-aid of Rs. 30,000 to the Cama Institute of Oriental Learning. (ii) Under head *Miscellaneous*, there is an annual grant-in-aid of Rs. 5,000, and also a building grant of Rs. 75,000 to the Society for the Protection of Children in Western India. (iii) There is also, I believe, a grant of Rs. 10,000 to the Kathkari settlement at Khandala.

From these grants, I conclude that such grants from the public exchequer can be made to private societies like Free Reading Rooms.

The Honourable the Vice-President (Sir G. Carmichael):—With regard to the last item mentioned by the Honourable Mr. Kamat, the grant of Rs. 10,000 to the Kathkari settlement in Khandala, I should like to state that it is for the uplift of the Kathkaris in the Thana district and on the edge of the ghauts. The settlement is doing excellent work.

The other item which he referred to was the grant to the Society for ths Protection of Children in Western India. It is a Society of which I am the President and my honourable colleague, Sir Ibrahim Rahimtoola, is Vice-President. The work it does is purely social work. It does not, it seems to me, come under the principle enunciated by the Honourable Mr. Kamat. The Society protects and helps waifs and strays of children and tries to fit them for leading useful lives.

With regard to the grant to the Cama School of Oriental Learning, there are two other similar items in the budget: one is the grant to the Natural History Society and the other to the Prince of Wales Museum. The principle underlying these grants is that Government wish to help research work. It is quite a different principle, I think, from that involved in the giving of assistance to institutions of the nature quoted by the honourable mover of the resolution. I think that he said that the provision of free libraries was a national duty which should be undertaken by the nation out of Government revenues. But he also said that nn other countries this provision was made by munici-

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pal bodies rather than by Government, but that in India the municipalities were too poor to do so. I did not hear the Honourable Mr. Chunilal Mehta getting up, as I expected he would, to protest that the Bombay municipality was not a pauper body. It is a wealthy body, and I am sure, if the Bombay municipality thought it necessary to provide books of reference and free libraries, they could give a grant without any difficulty at all. But I understand that the complaint comes largely from the mofussil, where the district boards and municipalities are not able to make any grant at all and that at present such libraries, if any, are provided by private subscription. Now, there are, in this Presidency, very many wealthy men who could undertake to provide the facilities for which the Honourable Mr. Kamat asks that Government should pay. I do not think there is a single case where a rich man of Bombay, Ahmedabad or Poona has done anything to provide free libraries to the public. In every other country I think you will find that Government seldom pays these charges but it is the wealthy people, generally speaking, who provide these free libraries. In this country that is not so. If a man is considering how he should leave his property to be disposed of after his decease, one of the best objects that he can think of would be a free library. If the honourable mover would go round and propagate the idea that persons of wealth should spend a portion of their money on such a laudable object, I think he would be doing better than coming to this Council and asking Government to make the provision.

With regard to the other side of this resolution, the Honourable Mr. Harchandrai asked whether these bad climate allowances are paid to the Government servants of other departments. The policy of granting these bad climate allowances was adopted, I think, as far back as 1906. At that time the principle adopted was that if a Government servant in one department got the allowances, members of the other departments also should get it. The Honourable Mr. Robertson made it quite clear that these allowances are paid not to gazetted officers but to the lower paid ranks of the police service. When dealing with the main head of Police, I said that it was a very difficult thing for us to bring the police force up to its full strength and that, in order to do so and counteract other attractions, it was necessary to improve the pay and allowances of the men. This is one of the allowances which we propose to make, in order to get the police force brought up to the full strength. It is true that a Government servant is bound to serve wherever he is posted, but it is also true that if he is very discontented in a place, where he has no comforts and no society, he will give up Government service if he can get anything better. Now, it would be very bad policy to have discontented people serving in these unhealthy places. The Honourable Mr. Paranjpye asked why this allowance should be given to a policeman in Surat. There is no intention of giving it to the policemen serving in the city of Surat. If the honourable member knows the Surat district well, he must know that there are some very unhealthy places there, particularly those tracts bordering on the Dangs, between Khandesh and Surat. It is for the Government officers serving in these out of the way and very unhealthy places that this extra provision is made. Government wish to keep the men there contented, because the conditions under which they have to work in these places are worse than what they meet with in other places. We must give them something more in order to keep them contented.

I am not quite sure if I understood the Honourable Principal Paranjpye when he stated that he was rather in favour of having a penal settlement in those places. With regard to that, I wish to say that the number of people who have to serve in these places without anything against them is very much larger than the numbers who are sent there because of their bad work. Some transfers to these places may be made as a punishment, but that is only one, say, in a hundred. There is no reason why the good man should be penalised. I should protest very strongly against this provision being cut out on that score. After all, there are other inhabitants there for whom police protection is necessary. Very often they require a larger measure of police protection than the people living in some of the more settled places. These unhealthy places are very often places where there is trouble from dacoits and robbers.

With these remarks, I hope that this Council will not approve of the resolution moved by the Honourabl Mr. Kamat.

The Honourable Mr. B. S. Kamat:—Mr. President,—I shall deal, first of all, with the arguments of the Honourable the Inspector-General of Police. His defence is that bad climate allowances are justifiable on the ground that they are meant to cover the cost of more nourishing food for the persons who have to work there. That defence seems

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to be a very poor one indeed. I have not heard that men belonging to the Police Department, if they are posted to Kanara or Surat, eat more than they would if they were in other places.

The Honourable the Vice-President (Sir G. Carmichael):—Might I point out to the honourable member that it is only in the unhealthy parts of these districts that it is proposed to give the allowances? I think I made that point quite clear.

The Honourable Mr. B. S. Kamat:—I am not referring to districts as a whole, or to the unhealthy parts. My argument is that I have never heard that these men posted to bad places, whether in towns or in parts of districts, eat more of ghee or of milk than they would ordinarily do if they were posted in healthy places like Poona or Bombay.

Secondly, even taking it for granted that they do eat more, I believe Government is giving them other allowances, which are expressly meant to cover the rise in the prices of foodstuffs and, therefore, there is no reason why even the bad climate allowances have to be enhanced.

The Honourable Mr. Robertson has not answered the other point which I raised, very effectively. I asked him why, since he assumed charge of the department, all of a sudden, in all the three Divisions of the Presidency, certain new places have sprung up where he holds that bad climate allowances ought to be given. We already knew the bad climate stations of the Presidency, but it is entirely a new thing to me, and also, I think, similarly to members of this Council, to be told that there are still in the various districts some other places which deserve to be included as having a bad climate. In regard to this point, there is surely no justifiable reason brought forward by him to show why these new places should now be added.

With regard to the question of municipalities being liable to maintain these libraries, I believe the Honourable Mr. Harchandrai, who is the president of such an advanced municipality as the Karachi municipality, has effectively given a complete answer by showing, in the first place, that it is not one of the obligatory duties of the municipalities to provide free libraries for the public and, secondly, by showing, as I anticipated he would, that, even assuming that they do feel it to be their duty, they have not the means.

Well, so much then regarding the arguments urged by the Honourable the Inspector-General. Now, as regards those which were put forward by the Honourable Member in Charge, he first asked me whether the principle underlying the grant of donations to certain societies in Bombay and elsewhere was analogous to the principle I advocated in respect of free libraries. I say it is only a matter of opinion. If Government think that for research work they can give a grant of Rs. 30,000 to the Cama Institute of Oriental Learning, I, for one, venture to think that there is absolutely no reason why a similar grant cannot be given to public institutions like approved reading rooms and libraries, where men go in search of facts, figures and statistics with a view to make certain researches. Now, for instance, if the Oriental Learning Institute gets a grant of Rs. 30,000 for research in dead languages like Sanskrit or Persian which perhaps may be useful only to some, then I say that a research into every-day practical matters of public importance is of much greater consequence to the public. I, for one, think that rather than patronise a collection of manuscripts and such like things in the Oriental Institute, I would like to have books of reference like the Parliamentary Reports and others placed in libraries, so that men might be encouraged in their studies of public questions, and that facts and figures might be within the easy reach of publicists in this country.

The second argument urged by the Honourable Member in Charge of the portfolio was that it was the duty of public citizens to help such institutions. I would like to point out to the Council that these free reading rooms were started and are being built up on a principle of self-help. As a matter of fact, although they have not been completely endowed and equipped by private donations, it is nothing but truth to say that citizens have come forward in some cases to give either their houses, or, in other cases, to give their benches, tables, cupboards or other things to set these libraries afoot. It is, therefore, clear that self-help has already come forward. Men have helped themselves and now they are coming to Government with a view that Government should also put its hands into its pockets and try to assist these institutions. I, therefore, think that it is high time that Government, on the analogy of the Oriental Institute, should also try to help institutions of this character.

I need hardly refer again to the bad climate allowances. Honourable members like Mr. Paranjpye and others have already spoken on the point.

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The Honourable the Vice-President (Sir G. Carmichael):—Before I put the resolution to the vote, I wish to say a few words in answer to the Honourable Mr. Kamat. With regard to the principle on which he proposes that this grant should be made, I would ask him to remember this. The societies which Government are assisting are carrying on research work. Government know that the work is being carried on. But there is no guarantee at all, if we provide volumes for reading rooms and libraries, that research work will be carried out there. It seems to me that this makes considerable difference.

The Honourable Mr. B. S. Kamat:—May I interrupt you, sir? I said reading rooms and libraries approved by the Director of Public Instruction.

The Honourable the Vice-President:—Then as regards bad climate allowances, the Honourable Mr. Robertson's arguments have been subjected to considerable criticism. Is it not the case that when you have fever patients in your house there is a larger consumption of milk than when you are perfectly healthy? The real point at issue is this. It is necessary to preserve a contented service in these unhealthy places as well as in healthy places.

The resolution was put to the vote and lost, 15 voting for and 20 against.

The Council divided as follows:—

AYES.

The Honourable Mr. Dattatraya Venkatesh Belvi, LL.B.
The Honourable Mr. Ghulam Muhammad walad Khan Bahadur Wali Muhammad Bhurgri, Bar.-at-Law.
The Honourable Mr. Sheriff Devji Canji.
The Honourable Mr. Pandurang Anant Desai, LL.B.
The Honourable Rao Saheb Harilal Desaibhai Desai, LL.B.
The Honourable Rao Bahadur Siddhanath Dhonddev Garud.
The Honourable Dewan Bahadur Kashinath Ramchandra Godbole.
The Honourable Shaikh Ghulam Hussein Hidayatallah, LL.B.
The Honourable Mr. Balkrishna Sitaram Kamat.
The Honourable Mr. Chunilal Vijbhukhandas Mehta, LL.B.
The Honourable Rao Bahadur Venkatesh Shrinivas Naik.
The Honourable Mr. Raghunath Purshottam Paranjpye.
The Honourable Mr. Purshotamdas Thakurdas, C.I.E., M.B.E.
The Honourable Mr. Shridhar Balkrishna Upasani.
The Honourable Mr. Harchandrai Vishindas, C.I.E., LL.B.

NOES.

The Honourable Sir G. Carmichael, K.C.S.I., I.C.S.
The Honourable Mr. G. S. Curtis, C.S.I., I.C.S.
The Honourable Sir Ibrahim Rahimtoola, Kt., C.I.E.
The Honourable the Advocate-General (Sir Thomas J. Strangman, Kt., Bar.-at-Law).
The Honourable Mr. Salebhoy Karimji Barodawalla.
The Honourable Mr. Rupchand Bilaram, LL.B.
The Honourable Mr. R. H. Brooke.
The Honourable Mr. F. Clayton.
The Honourable Mr. J. G. Covernton, C.I.E.
The Honourable Mr. R. E. Enthoven, C.I.E., I.C.S.
The Honourable Mr. J. D. Jenkins.
The Honourable Khan Bahadur Pir Baksh walad Mian Mahmud, C.I.E.
The Honourable Mr. P. J. Mead, C.I.E., I.C.S.
The Honourable Mr. Lalubhai Samaldas Mehta, C.I.E.
The Honourable Sir Dinshaw Manockjee Petit, Bart.
The Honourable Mr. L. Robertson, C.S.I., I.C.S.
The Honourable Rao Bahadur Ganesh Krishna Sathe, C.I.E.
The Honourable Mr. C. N. Seddon, I.C.S.
The Honourable Mr. H. O. B. Shoubridge, M.Inst.C.E.
The Honourable Colonel J. B. Smith, C.B., I.M.S.

PRIMARY EDUCATION FOR GIRLS.

[15TH MARCH 1920.] [*The Vice-President; Mr. B. S. Kamat.*]

The Honourable the Vice-President (Sir G. Carmichael):—Resolution No. 13. The Honourable Mr. B. S. Kamat.

"This Council recommends that Government may be pleased to increase the provision for the development of primary education from the surplus excise revenue (item No. 242 of Statement B, Draft Financial Statement) by Rs. 1,00,000, the amount to be earmarked for providing special facilities for the encouragement of primary education of girls, both in municipal and rural areas; and that a corresponding decrease may be made in item No. 229 of the said Statement B."

The Honourable Mr. B. S. Kamat:—Mr. President,—The recommendation contained in this resolution which I venture to make to Government is to make a provision of Rs. 1,00,000 for providing special facilities for the encouragement of primary education of girls, both in municipal and rural areas. I believe, sir, on Saturday morning I made a very willing acknowledgment to the Government of Bombay that during the last four or five years Government have made splendid progress in furthering the cause of education in this Presidency, chiefly under the able guidance of the Honourable Sir Ibrahim Rahimtoola and generally, therefore, I should have nothing to grumble at. And yet it is necessary to explain why I wish that a provision of a lakh of rupees should be made for primary education of girls. The reason, sir, is that, so far as I understand the condition of things, primary education of girls is lagging behind that of boys, and that a great leeway is to be made up, if at all we desire that the education of girls should run along parallel lines with the primary education of boys in the Presidency. To make this clear, I wish to read a few figures from the latest report of the Director of Public Instruction, and, in order that the members of this Council may be able to follow me, I have placed copies of the figures on the Council table. It will be clear, I hope, from these figures that, although Government are providing no less than Rs. 6,00,000 for the encouragement of primary education, still it is necessary to draw the attention of Government to the unequal pace between boys' and girls' education and to urge Government to adopt certain steps with a view to give special facilities to bring in line the girls along with the boys.

Now, sir, it will be observed from the figures that the total number of primary schools for boys in this Presidency is roughly 10,000, as opposed to girls' schools, which are only 1,321. The disparity is glaring. Similarly, the total number of boys receiving primary education in this Presidency is 6,00,000 in round numbers, whereas the total number of girls receiving primary education at the present day is 93,000, that is, less than 1,00,000. Really speaking, I believe the number of girls ought to be nearly the same as the number of boys, if the ideal, namely, to impart primary education to all school-going children, is to be adopted. It will thus be seen that, although we have been making every endeavour to spread primary education in the mofussil, still the number of girls attending elementary schools compared with the number of boys attending schools is extremely inadequate, so much so that the percentage of boys under instruction to the male population is 6·5, whereas the percentage of girls receiving education in all branches is a very small one indeed, namely, 1·8. Having shown from the numbers that the girls are lagging behind, I will draw the attention of this Council to the disparity in provincial expenditure on girls as well as on boys.

From the provincial revenue, the expenditure on boys is Rs. 52,00,000 and odd, whereas the total expenditure on girls for the primary education is only 4 lakhs, that is to say, something like one-thirteenth for the education of girls.

The Honourable the Vice-President (Sir G. Carmichael):—I should like to know whether these figures for the girls include a share of the expenditure for schools where there are boys and girls together?

The Honourable Mr. B. S. Kamat:—I think that this is the total expenditure on girls.

The Honourable the Vice-President (Sir G. Carmichael):—I take it that the honourable member is not able to give a definite answer.

The Honourable Mr. B. S. Kamat:—I have not got separate figures. I can find them later on.

As regards grants to local bodies, the share of grants to municipalities for the education of boys comes to Rs. 6,45,000, whereas girls are getting from municipal grants only Rs. 1,70,000.

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Lastly, I come to the question of scholarships for boys as well as girls. We see from the report of the Director of Public Instruction that the total amount for scholarships for boys and girls is Rs. 57,000, and the number of primary schools is 12,000. Thus, if the total number is 12,000 and the amount of scholarships is Rs. 57,000, then it follows that each school is getting less than Rs. 5 per annum. All these figures, sir, show that although, as I have said, Government is making every endeavour for the spread of primary education, still the girls are lagging too far behind in the race, and that it is necessary that special endeavours be made to bring the girls up in line with the boys. Now, what should be the nature of these endeavours? It is necessary, I think, to encourage the girls' education by special scholarships to girls—by giving them prizes, books, slates, cholis, saris or some such things, so that parents might be tempted to send the girls to the schools. Other attempts also should be made. Inspectresses or other officers should bring some sort of influence to bear upon the girls or their parents, so that girls may not be kept at home. It is no use saying that in this country social prejudices exist. It is the duty of Government to conquer such prejudices and to use special endeavours either by prizes or other facilities which I have indicated. In fact, similar procedure, I might point out, has been adopted on the recommendation of the Mahomedan community in Sind. We see a provision of something like Rs. 65,000 for the special encouragement of Mulla schools. There are special steps taken in this case by awarding prizes of cholis, etc. If, therefore, the Sind Committee has recommended that scheme and adopted this recommendation of spending a sum of Rs. 65,000 for special facilities for girls, I do not see why similar provision should not be made for the primary education of girls.

Now, once again I come back to the difficulty of indicating a source. The item which I shall show in order to meet the expenditure, it will be seen, is item No. 229, the Department of Police. In that item a recurring provision of Rs. 2,00,000 is made for free clothing grant to officers below the rank of sub-inspectors of police. In the remark column it is said that these proposals are under consideration of Government. I believe, therefore, that I am quite in time in bringing forward this proposal. We can at this stage make some sort of provision, if we really wish to promote female education. I do not see, sir, why this year a big provision of Rs. 2,00,000 should be made for free clothing if the police have been pulling on without a free clothing grant for a number of years. We have given the Police Department Rs. 19,00,000 for various reforms. We have shown a good deal of generosity over every reform of the Police Department; we can wait a little longer until this reform in clothing is secured. I think a much more urgent reform is the education of girls, for which a provision should be made this year, as I suggest.

The Honourable Shaikh Ghulam Hussein Hidayatallah:—Mr. President,—I beg to move the following amendment to the resolution:—

"This Council recommends that Government may be pleased to increase the provision for the development of primary education from the surplus excise revenue (item 242 of Statement B, Draft Financial Statement) by such amount as could be spared by not giving free clothing grant to sub-inspectors, that amount to be earmarked for providing special facilities for the encouragement of primary education of girls, both in municipal and rural areas; and that a corresponding decrease may be made in item No. 229 of the said Statement B."

The Honourable the Vice-President (Sir G. Carmichael):—The amendment proposed by the Honourable Shaikh Ghulam Hussein Hidayatallah is not provided for under the rules. This amendment is out of order.

The Honourable the Vice-President (Sir G. Carmichael):—The Council will now adjourn for lunch till 3 p.m.

The Council then adjourned for lunch.

After lunch.

The Council re-assembled at 3 p.m.

The Honourable the Vice-President (Sir G. Carmichael):—Order, order. Revised Financial Statement. Further discussion of resolution No. 13.

The Honourable Shaikh Ghulam Hussein Hidayatallah:—Mr. President,—As my amendment has not been allowed I want to say a few words on the resolution. It has been amply proved by the honourable mover of the resolution that female education needs

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special facilities for its encouragement. We know that the number of girls is very small and for that reason less money is provided for the education of girls than for that of boys. The object of this resolution is to bring in the education of girls in the same line with that of boys, and I think every one will consider that it is a very laudable and praiseworthy object.

The way in which female education is to be encouraged is that there should be special scholarships and prizes for the girls. The honourable mover of the resolution proposes that, for the purpose of providing money for this object, a corresponding reduction should be made in item No. 229 provided in the budget for free clothing grants to officers of the Police Department below the rank of sub-inspectors. I am quite in agreement with the proposal that free clothing should be given to ordinary constables but not to the sub-inspectors. In the same budget I find that the present scale of the pay of the sub-inspectors has been revised. Their present grades are of Rs. 50, 60, 70, 80 and 100, and it is proposed to increase these grades to Rs. 60, 75, 100, 135 and 175. That means, in some cases, some of the sub-inspectors who formerly used to get Rs. 100 will draw Rs. 175. In this case, I think the question of higher prices and bad climate allowance will not come in, because they have been amply provided for. Then, again, I find item No. 205, where it is proposed to grant a house rent allowance up to Rs. 15 per mensem in each case to sub-inspectors who have been posted to places where house rents have risen to a considerable extent during recent years. For high prices they get a higher scale of salary. Not only that, but, besides this, they get war allowances too. Therefore, I submit that there is no necessity to give free clothing to the sub-inspectors, because they are well provided against high prices, high rents and against everything, and their salaries have been increased in every grade. I submit that such amount as could be spared by not providing free clothing to sub-inspectors should be devoted for the benefit of girls' education and for affording special facilities for girls' education.

The Honourable Mr. Harchandrai Vishindas:—Mr. President,—In addition to the remarks made by the previous speaker in support of the resolution I have to say this much, that item No. 229, which is sought to be drawn upon by the honourable mover in favour of girls' education, is under the consideration of Government and from that I gather that the item has been provided in the budget tentatively, that is to say, that the final decision has not been arrived at as to the expenditure on this head. That being so, I do not think there should be any objection to divert Rs. 1,00,000 from this item to the object of this resolution and to apply the remaining Rs. 1,00,000 to the proposed expenditure. I do not think the Honourable Member in Charge of the portfolio will deny the utility of the object sought to be served by the resolution.

I think for years and years it has been preached to us and we have been preaching to others that female education in this country is not what it should be and if, therefore, anybody comes forward with any proposal to improve that education, he deserves my gratitude as does the Honourable Mr. Kamat in bringing this resolution.

Now, comparing the benefit that is to be served by reducing this grant, as is proposed in the resolution, with the sacrifice that these officers have to make, coupled with the considerations put forward by the Honourable Shaikh Ghulam Hussein, namely, that these officers are very well paid, they get their salaries and also war allowances and other allowances in addition, as the advantages to be secured outweigh the disadvantages I heartily support this resolution.

The Honourable Dewan Bahadur K. R. Godbole:—Mr. President,—I want to make a few remarks on this resolution. The resolution, of course, is worthy of support. But the question is whether, when we get this additional Rs. 1,00,000 for girls' education, we will be able to utilise the grant. I am afraid that if we give funds in addition to the large allotments that we are giving to the Educational Department already, that department will not be able to utilise them. I have just been over some of the schools in the Poona district which are supposed to contain over 25 boys each. When I visited the schools, I found that the attendance on the dates of my visits ranged from 5 to 10. One school-master had closed his school for a couple of days without authority.

The state of education in the backward tracts in our rural areas is not at all satisfactory, and if we ask the Educational Department to start new girl schools in such areas, it will be in my opinion a difficult, if not an impracticable, problem. For years together, there is no chance of girls' schools being a success in the backward tracts of our Presidency. I am afraid, therefore, that this additional grant of one lakh of rupees that we propose to give to the Educational Department may remain unutilised. Until, therefore, we have got an

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assurance from our educational authorities, that the proposed additional grant will be profitably utilised next year, I think the proposition before the Council should not be pressed further.

The Honourable Mr. L. Robertson:—Mr. President,—Before dealing with the specific resolution before the Council I should like to make one remark of a general nature which I had intended but omitted to make when speaking on the resolution that was disposed of before the interval. The remark is this. On behalf of the police service I desire to thank the finance committee and this Council generally for the generous manner in which funds have been provided for the police in the budget for next year and I would add that I shall do the best I can to see those funds properly utilised.

Now, coming to the resolution with which we are dealing, I would like to associate myself with the remarks made by the Honourable Dewan Bahadur Godbole as to the possibility of dealing with this Rs. 1,00,000 in furthering the education of girls.

I am thoroughly in sympathy with the object which the honourable member has in view, but I presume that full provision has been made in the budget for girls' education and that any further funds that may be placed at the disposal of the Educational Department would not be satisfactorily utilised.

Now, coming to the question of uniforms, this matter was very carefully considered by a committee of my officers. It is not the object to improve the uniform of the police to any great extent; we do not propose to provide better uniforms than are at present worn. The position before us was that the prices of textile and other manufactures which are used in making the uniforms have risen so enormously that the amount at our disposal was not sufficient to provide all the articles of uniform required. The Council must know that uniforms are provided for all ranks, from sergeants downwards. The committee of officers went into the matter very carefully; they consulted the contractors, and it was found that for sergeants, for instance, whilst Rs. 48 were necessary for their uniform previously, it was now necessary to spend Rs. 60 annually to purchase the same uniform which was formerly covered by Rs. 48. Of course, this figure does not cover a complete suit. A pair of boots, for instance, lasts for two years, and it is not necessary to purchase a pair every year for every man. As for the constabulary grant, the figure has risen in much the same manner. The constabulary grant was Rs. 10, it has now been raised to Rs. 25; and I had calculated that, in order to recover the additional expenditure on uniforms for the constabulary alone, a sum of nearly three lakhs would be necessary. I had actually asked Government for a provision of no less than four lakhs for uniforms. Government have already cut me down to two lakhs, and if the Council cut me down further to one lakh, I am afraid that the police will present a very ragged appearance towards the end of the year.

Now coming to the proposal of giving grants to sub-inspectors to assist them in purchasing uniforms, the fact is that in the past a sub-inspector has had to purchase and maintain his uniform out of his pocket. A sub-inspector receives at present a salary which begins at Rs. 50 and rises to Rs. 100, and, in consequence of the reorganization of the police as a result of the Police Commission's Report, the average emoluments of the sub-inspector were actually lowered owing to the large number of posts created in the lower grades of pay. Now, a complete suit of uniform costs at present over Rs. 160. Taking the average pay to be at Rs. 80, that means to say that the sub-inspectors have to pay considerably more than two months' salary on the purchase of their uniform. I do not think that there is any member of this Council who would expend two months' earning on the purchase of a suit of clothes.

The Honourable Mr. P. A. Desai:—Once the uniform is prepared, for how many years would it be of use to the sub-inspector?

The Honourable Mr. L. Robertson:—As in the case of the constabulary, each article of the sub-inspector's uniform is calculated to last for a certain number of years. The coat, for instance, may last for one year, the pair of boots may last for two years, and so on. The annual grant required is based upon the average arrived at by taking the number of years for which each article of the uniform is expected to last and dividing the cost of the article by that figure. This proposal to grant a small sum to the sub-inspectors to maintain their uniforms has been agitated for some years, but the extraordinary high rise in prices has brought it to a head.

Now, as regards the remarks that fell from the Honourable Mr. Kamat, he seemed to imply that Government has accepted the proposal without going very carefully into it. I may explain that Government has not accepted the proposal without close scrutiny. The papers had come back to me with certain suggestions, but I have gone through the rates proposed very carefully. That is what is meant by the remark opposite the item under

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discussion that the proposals are under consideration. It is not intended to convey that the money is not really required or will not be expended.

With regard to the amendment which the Honourable Shaikh Ghulam Hussein proposed, I may say that the total amount required for the grant to the sub-inspectors is Rs. 25,000 a year. The vast bulk of the money goes, of course, to provide uniforms for the constabulary. I think that, in order to show that the sub-inspector was a very well paid man, the Honourable Shaikh Ghulam Hussein referred to house rent allowances or free quarters. Well, I may explain to the Council that a free house was recommended by the Police Commission as an essential part of the remuneration of the sub-inspector. It was accepted by the Government of India and the Secretary of State, and, if we do not provide the sub-inspector with free quarters, it is necessary that we should grant him a house rent allowance; that is a matter of mere contract. Our estimated expenditure for uniforms is based, of course, on present high prices of textile and other manufactures, and, if those prices should fall, the grants will be curtailed proportionately.

For these reasons I trust that the Council will not accept the resolution before it.

The Honourable Mr. J. G. Covernton:—Mr. President,—I only wish to refer to two small items in the figures quoted by the Honourable Mr. Kamat which I think are not correct. He has, quite naturally, been misled by the confusing arrangement of our statistics and he has given only the figures for girls in girls' schools. He has omitted to take into account the fact that there are a large number of girls attending boys' primary schools. The total figure of girls should, therefore, be one hundred and forty-four thousand odd. This figure is a small one as compared with that of boys, but there are many reasons which render it difficult to get girls to go to school.

Secondly, with regard to the expenditure on schools, the Honourable Mr. Kamat has quoted Rs. 52,16,000 as expenditure on boys alone. That, also, is right as far as the figure goes, but again he has forgotten that this figure covers expenditure on girls attending boys' primary schools and, therefore, that figure cannot be put down solely to boys. These are two minor points, but I thought that they should be brought to the notice of the Council.

The Honourable Mr. S. B. Upasani:—Mr. President,—I have very great pleasure in supporting the resolution. I am only sorry that my honourable friend has not asked for a much larger grant than he has. The cause of female education has not, I regret to say, received the attention of the department which it should have. The numbers of males and females in our Presidency are nearly equal, but, as regards the numbers attending schools, the figures given by the honourable mover of the resolution show how deplorable the situation is as regards female education. In every country there has been an endeavour to bring the education of girls on a level with that of boys and the same ought to have been done here in our country. In fact, all the advanced countries have moved on with their programme of female education. In our own Presidency we have before us the splendid example of our Parsi friends. They form a very small portion of the population, but they are to the front in every walk of life and their success is due not only to the education they give to their males, but mainly to the education they give to their females. If you refer to the statistics, it will be seen that out of a total of 41,470 Parsi males 32,718 are literate and out of a total of 39,510 females 25,439 are literate and, then, out of these, 21,016 males and 6,925 females are literate in English. Illiteracy among that community is very small, whereas you will find among Hindus that out of 76,60,148 males and 72,62,163 females only 9,17,660 males and 67,198 females are literate, while 67,42,488 males and 71,94,965 females are illiterate. The condition of our Mahomedan friends is still worse. This is a condition which we should do our best to improve. I think numerous items have been provided recently for boys' education and we have to congratulate the Honourable Member in Charge on having secured large amounts for his department. But I think the provision made for education of girls bears only a very small proportion to what has been done for boys' education. I find only one item, 264, of Rs. 36,750, provided for the education of girls. That is a very small item considering the required provision for female education in this Presidency.

I think there should have been a much larger number of girls' schools than at present. I would submit that full primary and Anglo-vernacular girls' schools should be established at the headquarters of each district town. Therefore, considering all these circumstances, I think that the small grant which is applied for in this resolution should be readily given.

Now, as regards the source from which it is asked for, I think there will be no objection whatever to cutting down the police expenditure by rupees one lakh. There is no doubt

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that the subordinates of the Police Department will be most heartily grateful to the Honourable Mr. Robertson and to the Honourable Member in Charge of the Police Department for having secured this provision for them. But I really think that we are going too far in increasing our expenditure on the police on an extravagant scale which is really not justified. It will be seen from this year's budget that in 1916-17 the total expenditure on the Police Department came to rupees one crore six lakhs; this year it has mounted up to rupees one crore sixty-five lakhs, which shows more than 60 per cent. increase in four years. Everywhere there is a crying need for retrenchments. But we find that, in the case of the police, every item has been so liberally provided for and in so many ways that I do not know how hereafter the public will be able to maintain the burden that is being imposed upon them at present in respect of this department. It will be seen that the expenditure on the district police has increased from rupees seventy lakhs to rupees one crore and fourteen lakhs. On railway police it has increased from Rs. 2,91,000 to Rs. 7,64,000, in the case of the C. I. D. from Rs. 3,13,000 to Rs. 4,66,000. So, every branch of the police shows greater expenditure, and I think that there ought to be some limit placed upon this excessive increase in the expenditure. As regards this year, we find that the total expenditure provided for the department is Rs. 12,75,000 recurring and Rs. 9,00,000 non-recurring, giving a total of Rs. 22,00,000, and the whole will ultimately come to Rs. 18,54,000 recurring. This is a very large increase for one year. Only two years back, when we objected to it, a large sum was provided for rewards, and this year we find that it is again increased to Rs. 40,000. Only last year the mounted police was reduced. Now it is proposed to spend Rs. 97,000 on re-establishing it. An additional war allowance of Rs. 7,00,000 is also provided. While these increases are being sanctioned for the police constables, the poor primary school teachers are starved. If there was any margin available for providing increased salaries, it should have been utilised to give a living wage to the primary teachers.

For the reasons which I have given above, I hope that Government will agree to provide the sum demanded out of the police expenditure, and I hope that the Council will pass the resolution.

The Honourable Mr. Purshotamdas Thakurdas:—Mr. President,—The only part of the resolution that I would like to touch upon is the item from which it is proposed by the honourable mover to make the reduction. The Honourable Mr. Robertson, in the course of his remarks, said that it was necessary to retain this item because of the high prices of clothing and the consequent hardship to inspectors and sub-inspectors to provide clothing according to the standard which was in force. I am glad he had also said towards the end of his remarks that the item would be reduced if prices went down. I should only like, however, to point out to the Honourable Mr. Robertson that this is put down an item of recurring expenditure. If it was put under the head of non-recurring expenditure, I do not think that I, at any rate, would have had any great objection to that item standing in this financial statement, for the reasons that the Honourable Mr. Robertson has just explained. In the finance committee, when this item was being discussed, we were told that Government had not yet made up their mind. I venture, sir, to point out that whenever any suggestions come up for an increase of pay to the police, the Finance Committee and the Council deal with such suggestions very generously. We were a year back told that the pay had to be put up, because the price of clothing had gone up and the inspectors and officers had to get their own clothing. Now that their pay has been put up in more cases than not, there comes up a separate item for a separate allowance for clothing.

The Honourable the Vice-President (Sir G. Carmichael):—Are the poor policemen not expected to have any families and are they not supposed to provide clothing for them?

The Honourable Mr. Purshotamdas Thakurdas:—Does not that apply to all officers of Government?

The Honourable the Vice-President (Sir G. Carmichael):—We are revising the grades of pay of the whole of the subordinate establishment.

The Honourable Mr. Purshotamdas Thakurdas:—Would not that include the police establishment?

The Honourable the Vice-President (Sir G. Carmichael):—But the present provision is for uniform and not for clothing.

The Honourable Mr. Purshotamdas Thakurdas:—I should think, sir, that there would be no objection to this item, if it was put under the non-recurring head, so that next year, if the cost of clothing went up, the item could be increased and, if it went down, the item could be reduced. As I said, this is the only part of the resolution that I wish to touch

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upon. I thought I might just mention to the Council how the Finance Committee allowed this item to stand, hoping that Government would put it as non-recurring, when they finally passed orders.

The Honourable Mr. Lalubhai Samaldas Mehta:—Mr. President,—The Honourable Mr. Curtis told us the day before yesterday that he would have liked that the procedure adopted in this Council as regards such resolutions should be as in the House of Commons, that the ministers only move resolutions for making any addition to the expenditure on a particular head that they desire. I wish something more could be done in that direction. If honourable members were merely free to suggest that they wanted more money, but were not bound to show whence the money was to be got, our position would be much easier. For instance, here we have the fullest sympathy with the object which the Honourable Mr. Kamat has in view in asking for Rs. 1 lakh, and the question is whether the money should come out of item No. 229 or from any other source. Personally, I believe that the police must be given free clothing to get the best type of men in the service. In recruiting for the police nothing should be spared to get the best type of men. But, at the same time, I feel that we must go ahead with female education. So, what I would suggest is—I do not know whether it is possible or not—that if no contribution can be made from this item, we should draw from our balances and give Rs. 1 lakh to female education, as asked for by the Honourable Mr. Kamat. If it cannot be done, I should like Government to see if it is not possible to provide this money from some other departments, because I do not want this item to be cut out. Therefore, I should like to support the Honourable Mr. Kamat's resolution and to have this amount of Rs. 1 lakh in the cause of female education.

The Honourable Mr. R. P. Paranjpye:—Mr. President,—I wish also to add my support to the resolution that has been brought forward by the Honourable Mr. Kamat. The question of the education of girls is so vitally important to the progress of the country that I think hardly any words are required to support a thesis of that nature. We understand what difficulties there are in the way of an advance, and all kinds of encouragement should be given for this purpose. The people have to be encouraged by various inducements. In the olden days, these inducements had to be offered even for the education of boys. We have got over that at last, and now I think encouragement has got to be given for the education of girls. We are doing the same in the case of Mahomedan education and in the case of the backward and depressed classes. I think, therefore, that the proposal which my honourable friend makes is a very reasonable one indeed. I should have liked to have a larger amount, and I am not afraid like the Honourable Dewan Bahadur Godbole that the department will not be able to spend this amount. I think it is quite easy to spend even larger amounts, provided there is the will to go earnestly about the matter. I, therefore, trust that the Council will pass this resolution.

The Honourable Mr. D. V. Belvi:—Mr. President,—I have much pleasure in associating myself with all that has been said in support of this resolution by my honourable friend Mr. Kamat. I do not think that it is necessary for me to enter into a discussion of the utility of education for girls in the year of grace 1920. We have ourselves received the blessing of education, and we can appreciate this blessing even in the case of our female children. So, I do not think that I need enter into an examination of the statistics which were quoted by the Honourable Mr. Kamat, and which were slightly corrected in one or two respects by the Honourable the Director of Public Instruction.

I take it that it is not possible to have any two opinions on the first part of the resolution, namely, that more money should be spent, if possible, on the promotion of primary education among girls. The only question is whether we should take out from this item No. 229 the sum of money required in this resolution. In my opinion, we ought to take Rs. 1 lakh from item No. 229. The Council will see that by one stroke of the pen, a recurring expenditure of Rs. 2 lakhs is added on to the already heavy expenditure on the Police Department. The various ways in which the police expenditure is mounting up every year are well known to the Council. I have been in this Council for the last nine years or so, and I do not believe that there was a single year in which it was not pointed out to Government that the expenditure on police was going beyond our means. But what do we find? The result has been that this expenditure on police every year has increased and increased to our great disappointment. Item No. 229 is not the only item of expenditure to which exception may fairly be taken. I find that item No. 237 is supplementary to item No. 229. Item No. 229 provides for a free clothing grant to officers of

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the Police Department below the rank of sub-inspectors, and item No. 237 provides for a clothing allowance to inspectors of police. Thus we find that in this year's budget it is intended to add to the recurring expenditure on the Police Department not less than Rs. 2,05,000. I do not think that this is reasonable, and we are perfectly within our rights when we ask this Council to give at least Rs. 1 lakh out of this recurring expenditure of Rs. 2 lakhs for the promotion of education among girls.

I was rather surprised to hear the remarks made by the Honourable Dewan Bahadur Godbole. His great difficulty is that the Department of Education may not be able to spend an amount of Rs. 1,00,000. I was anxiously looking forward to hear the observations of the Honourable the Director of Public Instruction on this head, but, curiously enough, he held his peace, and from that I am entitled to conclude that he does not agree with what fell from the Honourable Dewan Bahadur Godbole in that respect. Give the Honourable the Director of Public Instruction the money and ask him to do his best to spend it properly. If we find, at the end of the year, that he has not been able to find ways in which to spend the amount, then we shall think what to do next year. But, first of all, give him the money and ask him to do his best to advance the cause of female education. I do not think that the Honourable Sir Ibrahim and the Honourable Mr. Covernton will be at their wits' end to find ways in which Rs. 1 lakh may profitably be spent on the spread of education among girls.

I have full faith in the good sense of the Honourable the Director of Public Instruction, and I have no doubt that he will be very glad to have more money for the spread of education among girls. So the difficulty raised by the Honourable Dewan Bahadur Godbole is only a fanciful objection. It does not deserve any consideration whatever. I support this resolution on these grounds.

There is one more ground which I would like to urge for passing this resolution. I have said already that I have been a member of this Council for the last nine years, and I have seen at least 100 financial resolutions moved and debated on in this Council, but I have not had the pleasure of seeing a single financial resolution carried. This is the last year of the Council under the present regime (laughter), and let me have the satisfaction of seeing that on one occasion at least a financial resolution was carried. Hitherto the impression has been that the items entered in the Draft Financial Statements are to be taken as unalterable, as unchangeable, as immutable as the laws of the Medes and Persians. There is to be no change. We may debate hours and days. But ultimately what is the result? There will be the official phalanx that will vote in favour of Government. If this resolution is passed, non-official members will have the satisfaction of seeing that this time at least an exception is made to the fate which is usually meted out to their financial resolutions.

The Honourable Rao Bahadur S. D. Garud:—Mr. President,—I think I am in full agreement with what fell from the Honourable Mr. Belvi, and I do hope that at least this resolution will be carried. In the first place, I have full sympathy with the proposal which has been made by the Honourable the Inspector-General of Police and recommended by the Finance Committee. But, on the other hand, I have also full sympathy with the proposal which has been put forward by my friend the Honourable Mr. Kamat. It is, therefore, for Government to decide how they will meet this difficulty. No one is very keen on affecting any particular item which Government may like to have retained. But, at the same time, some other means have to be found. I was a member of the first Council under the Morley-Minto Reforms Scheme when Sir John Muir-Mackenzie congratulated himself on passing the one crore limit for our provincial balance. That one crore limit for our provincial balance had never before been reached. We are now accustomed to reaching four and five crores, and yet we do not find Government in a mood to accept even a single suggestion. I do not think that all the suggestions made to Government by non-official members are unreasonable. Some of them, at any rate, must be found to be acceptable, and Government will, I hope, be so accommodating as to provide for such items as they think really deserve consideration. I know there are and there must be some items in the budget from which money can be withdrawn. I am often concerned in framing the municipal budget, and I can point out several places from which money can very easily be withdrawn. But Government hold their peace and let the other members argue and find out in the budget a loophole from where they can appropriate the money for the purpose they have in view. In any case, the Member in Charge of Finance can tell us from what particular item this money can be withdrawn. If that is not possible, let us at least have it from the closing balance. I trust that this proposal will commend itself to Government as reasonable.

PRIMARY EDUCATION FOR GIRLS.

[15TH MARCH 1920.] [*Mr. F. Clayton; the Vice-President; Mr. P. A. Desai*

The Honourable Mr. F. Clayton :—I would like to ask the Honourable Mr. Robertson a question regarding item No. 229 which seems to me very suspicious. What I desire to know is, seeing 2 lakhs only have been given him in place of 4 lakhs asked for, whether the portion which would ordinarily have gone to Sind, is going to be cut down?

The Honourable the Vice-President (Sir G. Carmichael):—Rs. 4,00,000 for primary education?

The Honourable Mr. F. Clayton :—I am dealing with police item of two lakhs which it is proposed to cut out for another purpose.

The Honourable the Vice-President (Sir G. Carmichael):—My question was whether it is the honourable member's intention that the two lakhs which he says should have gone to Sind should be spent on primary education of girls in Sind. Otherwise, I think he is not speaking to the resolution.

The Honourable Mr. F. Clayton :— May I put the question another way, that is, should I be correct if I assumed that the two lakhs in item No. 229 will be divided in correct proportion between the Presidency proper and Sind, or whether the two lakhs which the Honourable Mr. Robertson asked for but did not get is the portion that would have been allotted to Sind? The reason why I ask this question is that reference to details in the police budget shows that the Bombay city and the Presidency proper are being liberally dealt with, compared with Sind and Karachi which are almost forgotten. If you refer, sir, to item No. 202, you will find there is a large lump provision for the grant of increased rates of pay to the constabulary in the Presidency proper but Sind gets nothing at all.

The Honourable the Vice-President (Sir G. Carmichael):—Might I draw the honourable member's attention to the memorandum on the Revised Financial Statement where provision is made for Sind?

The Honourable Mr. F. Clayton :—Thank you, sir. I find again in No. 204—Re-establishment of the mounted police, that Rs. 1,92,000 is provided for the Presidency proper, nothing for Sind; am I to assume there are no mounted police there?

The Honourable Mr. P. A. Desai:—Sir, I rise to a point of order. My submission is that the point before the Council is not whether Sind has been properly provided for or not in the matter of police. The point which has been raised is whether special facilities should be provided for the primary education of girls.

The Honourable the Vice-President (Sir G. Carmichael):—I understand that the honourable member is developing the point.

The Honourable Mr. F. Clayton:—Then, sir, I come to item No. 206. Here again we get nothing for Karachi and Sind as is also the case in item No. 213.

The Honourable the Vice-President (Sir G. Carmichael): —I ask the honourable member not to go into too great detail on the point.

The Honourable Mr. F. Clayton :—In view of your remark, sir, I leave this point. What I desire is a guarantee that the police in Sind and Karachi will have a fair and adequate proportion of the amount of Rs 2,00,000 now being provided for expenditure on clothing and which I hope will be sanctioned.

The Honourable the Vice-President (Sir G. Carmichael):— We have had a very interesting discussion on the two subjects with which the resolution deals. I take, first of all, the question of the proposed expenditure under the head 20 Police. The Honourable Mr. Purshotamdas Thakurdas asked why, if this expenditure is reduced in future owing to the fall in the price of cloth, we show it as a recurring expenditure. If the honourable member could tell us that during the course of the year the price of cloth will return to its normal, then I should be quite prepared to give him the assurance that the expenditure will be shown as non-recurring to the extent of the saving. But nobody can foresee at what price it will be possible to buy the clothing for the uniform of the police, and therefore it is financially wise to treat the expenditure as recurring. No one can tell when the prices will fall sufficiently to ensure that a reduction can be made under this head.

The Honourable Shaikh Ghulam Hussein has said that we are already providing a large amount for improvement in the pay of the sub-inspectors, and he referred to rent allowance and war allowance in addition to the increase in pay. The increase is for a permanent revision of their pay, and, when that has been sanctioned, the war allowance of course will be withdrawn. It will not be given in addition to the permanent increase. With regard to the house-rent allowance, the Honourable Mr. Robertson has told us that it used to be the practice of Government to give the Inspector-General of Police a certain grant for

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[*The Vice-President; Mr. B. S. Kamat.*] [15TH MARCH 1920.]

house rent allowance to sub-inspectors in places where the house rent was very high. The amount was Rs. 15,000 a year. That did not go very far. Many sub-inspectors, who were as much entitled to receive this allowance as some of their brethren, got nothing. So Government thought it very much fairer to everyone concerned that it should be given where it was necessary to give it and not be limited by an arbitrary fixing of the total amount which might be given.

I think the honourable members can rely on the Honourable Mr. Robertson, the Inspector-General of Police, administering the grant of two lakhs in as economical a manner as possible. As I say, the greater portion of the increase is forced upon us by the increase in the cost of raw materials of clothing already supplied to the police. The supply to sub-inspectors is no doubt a new item of expenditure, but it seems to me a very necessary one if we are to get a good class of men to come forward. The cost of their uniform, as the Honourable Mr. Robertson pointed out, is a very large amount to come out of the pay which these officers receive. I may mention that in Bombay city it has been given for some time past. Sub-inspectors in the Bombay city police are supplied with a uniform free and receive Rs. 10 per mensem to maintain it. This is very much in excess of what is proposed for sub-inspectors in the district police. With regard to the remark made by the honourable member that the police in Sind do not get the same treatment as the police in the Presidency proper, I can assure him that, when any proposal for the improvement of the police service is under consideration, the requirements of Sind are always taken account of at the same time. When we have the Inspector-General of Police and the Commissioner of Police in Bombay forwarding any proposal we always consider how this proposal would affect Sind, and, if Sind is in any way concerned, then Sind gets the same treatment as is given to the Presidency proper. I am surprised to hear of the absence of mounted police in Sind where I always thought they were the backbone of the force. I cannot give the actual number but I believe it is very much above the small force which we are proposing to establish in the Presidency proper. The Honourable Mr. Belvi made an app al to the Council to pass this one resolution before the new arrangements come into operation. It seemed to me that this appeal of his is, in fact, a great tribute to the work of the Finance Committee. None of the three proposals were opposed before they came before the Council. The Honourable Mr. Belvi made another remark with regard to the expenditure on police in this Presidency. With regard to this, the Honourable Mr. Belvi, I think, forgets one occasion, when the Honourable Mr. Patel brought forward a resolution in this Council that the police expenditure was extravagantly large, the resolution was discussed at great length at a meeting of this Council and a large majority of this Council found that the honourable mover had not a real case. Honourable members have referred over and over again to the education of girls as something quite apart from primary education. I do not know whether the honourable mover does or does not mean to make a distinction between primary education for girls and primary education for boys and girls. He did not state how much had been provided in the budget for fresh expenditure on primary education. The department has a provision of Rs. 6,00,000 for the opening of new primary schools—Rs. 1,00,000 for schools for backward classes and Rs. 1,00,000 for the Bombay city and several other items connected with primary education. I think the provision is ample and I do not think that a single member would have supported the Honourable Mr. Kamat if he had mentioned how much money had been provided in the budget. The provision has not been earmarked for the education of boys. There is no reason why the girls should not share. The honourable member seems to suppose that girls have been neglected. That is not the intention of Government for one moment. The provision may be used for the benefit of girls as well as of boys. The liabilities of Government are increasing. We are taking over the administration of irrigation, protective and otherwise. There are certain other big schemes, such as the development of Bombay, for which the provincial will be responsible. Considering the expenditure to be incurred, I express a hope that this Council will not support the honourable mover's resolution, not because I am not in full sympathy with any scheme for the improvement of the education of girls, but because we have already made as ample a provision as can be made in view of the necessities of maintaining an adequate balance for next year.

The Honourable Mr. B. S. Kamat:—Mr. President,—After hearing the debate there is only one impression, I presume, general among the honourable members of this Council, namely, the impression that the resolution which I have brought forward is an exceedingly reasonable one; or the impression that the defence which has been made in favour of the policemen is an extremely unreasonable one. The Honourable the Inspector-General of

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Police tried to make out that owing to high prices of textile material it was absolutely necessary to make a recurring provision of Rs. 2,00,000; while the point which I really raised was, was it at all absolutely necessary this year, when he is already having so many other reforms out of the provision of the extra Rs. 19,00,000, to rush on also with this clothing reform in the Police Department? Was not the sub-inspector of police in the Police Department efficiently equipped till the last year? The Honourable the Inspector-General of Police has made out no case why it is absolutely necessary this year to provide free clothing. Then, again, he himself pointed out that originally he had asked for four lakhs for this provision from Government; it was shown to him that in making this attempt he had not been fair to other departments; besides, when he wanted four lakhs, Government thought it would be reasonable to give him two lakhs. I now proceed further and request Government to say that two lakhs even is an unfair grant and that he ought to be satisfied with only one lakh. I do not think it reasonable on the part of the Honourable the Inspector-General of Police to have all the plums from us for himself and his department, and to throw all the crumbs to the other departments. He is having, excluding this, various other big items, such as the bad climate allowance and the war allowance and the increase in the rate of hutting allowance and various other allowances. I am afraid he is trying to hold a very tight and greedy grip on the available balances for his department at the expense of the Department of Education and I trust honourable members of this Council, while voting, will look to the merits of the case and not only to the extraordinary demands that have been put forward by the Honourable the Inspector-General of Police.

Regarding what fell from the Honourable the Director of Public Instruction,—and he slightly corrected the figures I quoted, (and I thank him for that)—I must confess that the number of girls attending the boys' schools escaped my attention. Even with that slight correction, however, the main proposition which I have placed before the Council is not affected in the least, namely, the statement that the education of girls is lagging lamentably behind the education of boys. That main proposition is not affected, I say, by what he said and, therefore, honourable members will not mind the slight correction which the Honourable Mr. Covernton made.

There is only one thing at which I am greatly surprised, namely, the attitude taken by the Honourable Dewan Bahadur Godbole. He found it an impossible proposition to be able to spend Rs. 1,00,000 for rewards and prizes in the towns in the Presidency. . . .

The Honourable Dewan Bahadur K. R. Godbole:—I said that the educational officers should be asked whether they will be able to utilise that amount.

The Honourable Mr. B. S. Kamat:—So far as I heard the honourable member, I think he said it was an impossible proposition. Now, in answer to the Honourable Dewan Bahadur Godbole, let me ask him whether or not the Finance Committee and the Government provided, in the first instance, Rs. 2,00,000 for primary education and then added Rs. 4,00,000, making in all six lakhs, and the department could spend it very easily; now when I come forward and ask him to spend one lakh more he says it is rather an impossible task for him. If he works out the whole question he will see that it is not a difficult task indeed. As I have pointed out in my opening remarks, each school under the local boards is getting scholarships of Rs. 5 annually and I dare say if that amount is increased my honourable friend Dewan Bahadur Godbole will find in his own district that his local board schools will surely be able to distribute prizes and rewards, if the grant is only increased from Rs. 5 to 10.

Now, regarding what fell from the Honourable Member in Charge of the Finance Department—he asked me regarding the wording of the resolution, why I have said in my resolution that it is necessary for this amount to be drawn from the surplus excise revenue,—I may point out to him that I have simply quoted, word for word, what is stated against item No. 242 in the budget estimate and the phraseology which I used in my resolution is exactly the phraseology of the budget.

The Honourable the Vice-President (Sir G. Carmichael):—I was pointing out the fact. It is not a question of phraseology but actual fact.

The Honourable Mr. B. S. Kamat:—I know the recurring available excise revenue is something like Rs. 26,00,000 and we surely can draw from that recurring item.

The Honourable the Vice-President (Sir G. Carmichael):—What I said was that the amount allotted by the committee with regard to the spending of this surplus excise revenue for recurring expenditure was 13,15 lakhs. The department have, as a matter of

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fact, actually committed themselves, on the score that they were spending the surplus excise revenue, to an expenditure of 26 lakhs.

The Honourable Mr. B. S. Kamat:—If I am able to catch the honourable member's words correctly, I think it will not be difficult to make a provision of one lakh recurring expenditure from the surplus excise revenue. Now, as regards intention, I never said Government is intentionally making a discrimination between boys and girls. I do not think it is the intention of Government at all. Government have been very liberal and generous as regards primary education in general; what I wanted to point out was that the result of their distribution of money practically is that in ordinary practice girls' education is kept back. It is not that it is done intentionally, but that is the result, and what I am trying to make out is to speed Government up in bringing the education of girls on the same level with that of boys.

Lastly, as my friends the Honourable Mr. Belvi and the Honourable Rao Bahadur Garud have said, this question would be more or less a test. I hope honourable members will vote on the merits of the question of girls' education and see the unreasonableness of the provision of Rs. 2,00,000; and I trust honourable members will vote with a free mind and show that they are appreciating the question of the education of girls.

The Honourable the Vice-President (Sir G. Carmichael):—I wish to make one point clear with regard to the proposal that this expenditure should be met out of surplus excise revenue. For the spending of that revenue a committee was appointed. They distributed the money between education, medical and sanitation; each department got a large share. They also distributed each share in recurring and non-recurring grants. The Educational Department have already appropriated their share of the allotment for recurring expenditure. Their share was 13½ lakhs for recurring expenditure; they propose to spend nearly double this sum on recurring commitments, *i.e.*, a larger amount than they were entitled to under the recommendations of the committee; so that there is no surplus under the surplus excise revenue for any recurring charge, but a deficit. I presume the honourable mover means that the expenditure he proposes on primary education for girls should be recurring.

I did not exactly hear the Honourable Dewan Bahadur Godbole's reply to the question put to him by the Honourable Mr. Kamat, but I think his position is this. He knows the schools in the Poona district, and I do not know whether the Honourable Mr. Kamat has made a tour in the Poona district to visit these schools such as the schools in Khed and Junnar talukas. The Honourable Dewan Bahadur Godbole has been over the district as President of the district local board and he says that you are not getting the value of the money you are spending on these schools and so he advises caution that the educational officers should be instructed to pay attention to this point in order to secure that this grant, if provided, will be properly utilised.

The resolution was then put to the vote and lost, the Honourable the President using his casting vote. The Council divided as follows:—

AYES.	NOES.
The Honourable Mr. Dattatraya Venkatesh Belvi, LL.B.	The Honourable Sir G. Carmichael, K.C.S.I., I.C.S.
The Honourable Mr. Ghulam Muhammad walad Khan Bahadur Wali Muhammad Bhurgri, Bar.-at-Law.	The Honourable Mr. G. S. Curtis, C.S.I., I.C.S.
The Honourable Mr. Sheriff Devji Canji.	The Honourable Sir Ibrahim Rahimtoola, Kt., C.I.E.
The Honourable Mr. Pandurang Anant Desai, LL.B.	The Honourable the Advocate General Sir Thomas J. Strangman, Kt. Bar.-at-Law.)
The Honourable Rao Saheb Harilal Desaibhai Desai, LL.B.	The Honourable Mr. Rupchand Bilaram, LL.B.
The Honourable Rao Bahadur Siddhanath Dhonddev Garud.	The Honourable Mr. R. H. Brooke.
The Honourable Dewan Bahadur Kashinath Ramchandra Godbole.	The Honourable Mr. F. Clayton.
The Honourable Shaikh Ghulam Hussein Hidayatallah, LL.B.	The Honourable Mr. J. G. Covernton, C.I.E.
The Honourable Mr. Balkrishna Sitaram Kamat.	The Honourable Mr. R. E. Enthoven, C.I.E., I.C.S.

CERTAIN PROVISIONS FOR POLICE PURPOSES—POLICE BAND AT HEAD-QUARTER TOWNS —REVISED FINANCIAL STATEMENT.

[15TH MARCH 1920.] [*The Vice-President; Rao Saheb H. D. Desai; Mr. G. S. Curtis.*]

AYES.	NOES.
The Honourable Mr. Chunilal Vijbhukhandas Mehta, LL.B.	The Honourable Mr. Mahomedbhoy Hajeebhoy.
The Honourable Mr. Lalubhai Samaldas Mehta, C.I.E.	The Honourable Khan Bahadur Pir Baksh walad Mian Mahmud, C.I.E.
The Honourable Rao Bahadur Venkatesh Shriniwas Naik.	The Honourable Mr. P. J. Mead, C.I.E., I.C.S.
The Honourable Mr. Raghunath Purshottam Paranjpye.	The Honourable Mr. L. Robertson, C.S.I., I.C.S.,
The Honourable Rao Bahadur Ganesh Krishna Sathe, C.I.E.	The Honourable Mr. C. N. Seddon, I.C.S.
The Honourable Mr. Purshotamdas Thakurdas, C.I.E., M.B.E.	The Honourable Mr. Phiroze C. Sethna, O.B.E.
The Honourable Mr. Shridhar Balkrishna Upasani.	The Honourable Mr. H. O. B. Shoubridge, M. Inst. C.E.
The Honourable Mr. Harchandrai Vishindas, C.I.E., LL.B.	The Honourable Colonel J. B. Smith, C.B., I.M.S.

The Honourable the Vice-President (Sir G. Carmichael):—The next two resolutions stand in the name of the Honourable Mr. Gokuldas Parekh, but I do not see him here.

"This Council recommends that the Governor in Council be pleased to disallow entries Nos. 218, 219, 220 and 221 under the head of Police in Statement B attached to the Draft Financial Statement of the Government of Bombay."

"This Council recommends that the Governor in Council be pleased to disallow entry No. 233 under the head of Police in Statement B attached to the Draft Financial Statement of the Government of Bombay."

The Honourable Rao Saheb H. D. Desai:—Mr. President,—The Honourable Mr. Parekh has been called away to the High Court to give evidence and has not been able to be present, and he has asked me to move the two resolutions standing in his name. I beg to add that my information is that, on one occasion, when the Honourable Mr. Paranjpye was engaged in the University Senate, the Honourable Mr. Patel was allowed to move a resolution standing in the name of the Honourable Mr. Paranjpye — of course, an ordinary resolution, not a financial resolution—and also in one other case—it was a matter of an amendment—the mover was absent and the Honourable Mr. Upasani was allowed to move it. Of course, there is no provision in the rules themselves in this connection, as far as I can see, but there are precedents and, if precedents or past practice are taken into consideration, the permission I ask for can be granted. In any case, there are no rules on the subject and I leave it to you, sir, to decide.

The Honourable the Vice-President (Sir G. Carmichael):—I asked for precedents in the matter and I could only find one. It was a question of an amendment, and there it was definitely ruled that the amendment could not be put in by any other member without the permission of the chair. On that occasion His Excellency the President declined to give it, and I think in this case I should refuse such permission.

The Honourable the Vice-President (Sir G. Carmichael):—Ports and Pilotage. The Honourable Mr. Curtis.

The Honourable Mr. G. S. Curtis:—Mr. President,—The revenue account of this head shows an increase of something like half a lakh of rupees, mainly due to the fact that the Steam Vessels Survey Department has been provincialized. On the expenditure side there is a considerable increase, due to the same cause. Simultaneously with the proposal for provincialization, proposals had been submitted to the Government of

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[*Mr. G. S. Curtis; Sir Ibrahim Rahimtoola.*] [15TH MARCH 1920.]

India for the revision of the pay of the shipwright surveyors in Bombay and for the entertainment of a shipwright surveyor for Karachi. These have been sanctioned. The honourable gentleman who comes from Karachi—I am sorry not to find him here—will be glad to notice that the injustice done to the port of Karachi, in not providing for a shipwright surveyor of its own, has at last been remedied and a whole-time steamship surveyor has been provided for Karachi.

The Honourable Sir Ibrahim Rahimtoola:—Mr. President,—In introducing the Education head of the budget last year, I drew the attention of honourable members to the striking increase in expenditure of nearly 32 lakhs which had taken place during the financial year 1918-19 and the further increase of 20 lakhs contemplated in the year just coming to its close. The revised estimates of the current year show an expenditure of Rs. 1,24,60,000 while for next year a sum of Rs. 1,48,80,000 has been budgetted for under this head. This amount is exclusive of a sum of Rs. 10,75,000 which has been specially provided for educational buildings under the head '45-Civil Works.' Thus, the ensuing year's provision for expenditure on education exceeds by about 35 lakhs the estimated expenditure of this year. It will be of interest to honourable members to hear what has been the growth of expenditure on education during the last few years. In 1909-10 the expenditure was Rs. 43,53,000; in 1913-14, the year before the war, it was Rs. 72,76,000; during the war as a result of financial restrictions it slightly decreased from Rs. 83,03,000 in 1914-15 to Rs. 79,96,000 in 1917-18, since when it has risen by about 50 per cent. The total revenues for the same period were Rs. 6,44,71,000 in 1909-10, Rs. 7,92,29,000 in 1913-14, Rs. 8,87,21,000 in 1917-18, and are estimated at Rs. 11,71,45,000 in the ensuing year. Thus it will be seen that education has claimed a substantial share of the expanding revenues during the last 10 years. The important items of educational interest have been fully explained in the revised financial statement. I will confine myself to indicating the progress which has been made in the several branches of education in pursuance of the policy of the Bombay Government which I outlined in my budget speech last year and the further measures which are in contemplation during the ensuing year and in the near future.

In the sphere of primary education, so far as urban areas are concerned, the chief point which attracts attention is the fact that only 4 municipalities out of a total number of 156 have taken advantage of the Compulsory Primary Education Act. The result has been that only a small portion of Rs. 2 lakhs provided in the budget on account of the grants payable by Government under the rules is expected to be utilized in the current year. A provision of Rs. 1 lakh will be available in the ensuing year on this account and Government hope that this will be fully utilized. With regard to Bombay city, the contemplated legislation enabling the corporation to prepare for the introduction, when so disposed, of free and compulsory education for boys or girls or for both throughout the city, either simultaneously or by wards or by sections as may appear suitable, has been undertaken and the requisite bill will be introduced shortly.

In regard to rural areas, I regret to say that the scheme for the expansion of primary education at a much more accelerated pace than in the past which I foreshadowed last year has not materialized. The main cause of the delay has been the uncertainty of the financial position of the local Government under the Constitutional Reform Scheme especially in respect of education, but as honourable members will no doubt have noticed, an additional provision of Rs. 4 lakhs has been entered in the ensuing year for the opening of new primary schools over and above the provision of Rs. 2 lakhs made in the current year for this purpose from the surplus excise revenue, making a total of Rs. 6 lakhs.

The scheme for the training of additional primary teachers, to which the requisite sanction of the Secretary of State was received some time back, has progressed and eight further training schools in addition to the four established last year at Bijapur, Satara, Nadiad and Shikarpur have been opened in the districts of (1) East Khandesh and (2) Sholapur in the Central Division; (3) Dharwar (intended for the Kanara District but located at Dharwar as a temporary arrangement) and (4) Ratnagiri in the Southern Division; (5) Surat and (6) Panch Mahals in the Northern Division; and (7) Nawabshah and (8) Karachi in Sind, thus bringing the number of these schools to twelve out of the total of twenty five provided for in the scheme. The requisite further provision, *viz.*, Rs. 75,000 recurring has been entered in the ensuing year for the opening of additional schools in other places. The total provision on this account thus amounts to Rs. 2,25,000.

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[15TH MARCH 1920.] [*Sir Ibrahim Rahimtoola.*]

For the reason I have already given in connection with the scheme for the expansion of primary education the provision of Rs. 1 lakh entered in the current year's budget for the opening of new Government high schools for boys has not yet been utilized for the purpose for which it was made. But steps will be taken to utilize the provision which has been repeated in the next year's budget at the earliest possible date.

Last year I briefly outlined the policy proposed to be pursued by Government in the matter of the promotion of secondary education among girls. I am glad to say that a detailed scheme has since been worked out and as honourable members will no doubt have noticed, a provision of Rs. 64,550 has been entered in the ensuing year's educational estimates on this account. It will be utilized in carrying out the following measures:—

(1) Separation of the high school for girls at Ahmedabad from the training college for women at the same place and its creation into an independent institution with the resultant advantages; in this connection I may add that arrangements have already been made to carry out the proposals from the 1st instant on which date the new school term was to have begun;

(2) establishment of an independent middle school for girls at Dharwar and of similar schools at Thana and Ahmednagar where the demand is reported to be strong. Government hope that these schools will be developed into full fledged high schools at an early date;

(3) attachment of girls' Anglo-Vernacular branches, with separate staff and separate accommodation, to the Government high schools for boys at Nasik and Bijapur as an experimental measure.

These two items (2 and 3) also will be carried into effect shortly.

(4) admission where possible of girls to boys' high schools on a more liberal scale than at present in places where a demand for secondary education of girls exists but which are not yet ripe even for separate branches. This measure pre-supposes that satisfactory arrangements for seating girls separately from boys and also separate sanitary and retiring arrangements exist. Government are awaiting a detailed report in the matter.

Turning to collegiate education honourable members will recollect that in August last Government published their conclusions on the recommendations of the College Accommodation Committee. At the same time they announced their decision to utilize the munificent donation of Sir Mahomed Yusuf towards the establishment of a first grade Government Mahomedan Arts College at Andheri in Salsette and steps have already been taken for the acquisition of certain sites in this connection. The requisite plans and estimates are also under preparation.

Since then Government have decided to take two important steps, *viz.*, (1) the raising of the Karnatak College, Dharwar, to the status of a first grade college from June next and (2) the opening of the Royal Institute of Science from the same time. With regard to the first, Government have made arrangements for purchasing the main railway buildings at Dharwar belonging to the M. & S. M. Railway Company with certain subsidiary buildings, and the requisite additions and alterations to them have already been put in hand. The question of the number of students to be provided for in the college when transferred from its present temporary premises to the railway buildings is receiving the careful consideration of Government in view of the local desire for the establishment of a private second grade college under the auspices of the Karnatak Education Society.

As regards the Royal Institute of Science, the scheme for it received the general approval of the Secretary of State some years back but owing to the outbreak of the war and the utilization of the buildings as a War Hospital though in an incomplete state, the opening of the Institute has had to be deferred up to now. It is hoped, however, that the work which still remains to be done will be completed by June next. I may take this opportunity to explain that while it is the earnest desire of Government, and I trust that in this respect honourable members will agree with Government, that for reasons both of economy and of efficiency all higher science teaching should in the course of time be concentrated in this institution, they have no intention whatever to interfere with the freedom of private colleges to continue to maintain their science departments if they so desire, and as an earnest of this policy they have very recently decided to abandon their original intention of discontinuing the provincial grants to aided colleges in this city on account of those departments.

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Under this branch of education I have only to add that the question of the establishment at Hyderabad in Sind of an amalgamated agricultural and arts college or in the alternative of an independent arts college, if the former is not found feasible, has been taken up and referred to the heads of the Agricultural and Educational Departments for examination and the framing of schemes at an early date.

One of the most pressing of educational problems of the immediate future is the reorganization of the system of technical education. This is all the more so in view of the great industrial possibilities of India revealed by the Industrial Commission's Report. The whole question has accordingly been engaging the attention of Government for some time past. After a preliminary examination of the policy pursued by Government in recent years and the results obtained therefrom an outline scheme for the future drawn up by Mr. Tom S. Dawson, Principal of the Victoria Jubilee Technical Institute, Bombay, together with the remarks thereon of the Director of Public Instruction from the departmental point of view, has been referred to the Committee of Direction for Technical Education, whose recommendations in the matter are awaited.

In concluding my remarks I have to refer briefly to the reorganization of the superior educational services in India. As honourable members are no doubt aware, the orders of the Secretary of State on the most important of the recommendations of the Public Services Commission in regard to the Educational Department have been received and their substance was announced to the public by the Government of India in a press communiqué issued in the early part of January last. The details of the new scheme have been given there and I need not reiterate them. The three main features of the new scheme to which I may draw the attention of honourable members are (1) the provision for the immediate admission to the Indian Educational Service of a considerable number of Indians, (2) the recruitment in the future for vacancies in the Indian Educational Service of Indians and Europeans on a basis of 50 per cent. each for India as a whole and (3) the institution of common scales of pay for both Indians and Europeans with overseas allowance for officers of non-Indian domicile. The extra cost entailed by the new scheme will be considerable and as no provision has been made in the ensuing year's estimates owing to the non-receipt of the orders in time the expenditure on this account in the ensuing year will be met by re-appropriation.

The Honourable Mr. G. S. Curtis:—Mr. President,—Under the head 26 Medical, there is again a large increase of Rs. 15,25,000 in the budget. To some extent, this has been occasioned by the higher prices of necessaries and the higher scale of salaries sanctioned for the officers of the Indian Medical Service. But there are also directions in which the budget provides for a marked increase in departmental activity. In particular, a scheme for improving the nursing arrangements throughout the Presidency, which owes its inception to Her Excellency Lady Lloyd, deserves special attention. It is now being generally recognised all over the world that the nursing staff is as important as the doctors, and that a hospital which is not well nursed is only half equipped. What is not perhaps so generally recognised is that in India it has an importance all its own. Statistics show that at hospitals where there is an adequate nursing staff women constitute 32 per cent. of the patients. At hospitals having a partial nursing staff women constitute 22 per cent. of the patients, and at hospitals where there are no nurses they constitute only 10 per cent. of the patients. These point to the conclusion that women patients have no objection to male doctors. What they do value, and naturally, is nursing at the hands of women, and it follows from this that the simplest and cheapest way of bringing medical relief to the numbers of women in this country is less perhaps the duplication of medical institutions, which involve enormous expenditure, than the equipment of our existing hospitals with proper nursing staffs trained on English lines and following the English model. It will be seen that a sum of Rs. 2 lakhs non-recurring and Rs. 50,000 recurring has been provided in the budget for the current year for this particular purpose. If the expansion of the scheme eventually supports the conclusion here indicated, a great deal will have been accomplished.

In addition to this very important provision, there are the usual provisions for opening new dispensaries, and there is an increased grant to the Lady Dufferin Hospital at

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[15TH MARCH 1920.] [*Mr. G. S. Curtis; Sir Ibrahim Rahimtoola.*]

Karachi and the new leper asylum at Palghar. Finally, there is a provision of Rs. 1,50,000 for the long deferred School of Tropical Medicine at Parel, and a provision of Rs. 73,000 for a Central Hygiene School.

The Honourable Sir Ibrahim Rahimtoola:—Mr. President,—In introducing the budget for sanitation, I have to make the following remarks.

A sum of Rs. 7,00,000 was provided out of the Imperial assignment in the current year's budget under the head "24-B—Sanitation" on account of grants-in-aid to local bodies for sanitary projects. Out of this amount, grants aggregating Rs. 3,65,000 have been sanctioned, the principal grants being those of (*i*) Rs. 25,000 to the Bombay municipality in aid of the anti-malarial measures in the Bombay city, (*ii*) Rs. 14,095 to the Poona city municipality representing the entire cost of the chemical treatment of the Poona city water supply, (*iii*) Rs. 15,210 to the same municipality towards the cost of its water supply and drainage and (*iv*) Rs. 25,000 to the Barsi municipality towards the cost of its water supply scheme. A sum of Rs. 1,00,000 was sanctioned for expenditure on original works in connection with the development of Salsette as a residential area. The Sanitary Board have been authorised to sanction projects costing up to Rs. 20,000 and to make grants up to a limit of Rs. 10,000 for any work. For the latter purpose, a lakh of rupees was allotted to the board this year. In next year's budget estimates a sum of Rs. 11,00,000 has been provided on account of grants-in-aid to local bodies for sanitary projects. The provision includes (*i*) Rs. 2,00,000 for a grant-in-aid for the Dhulia sewerage scheme, (*ii*) Rs. 2,00,000 for a grant-in-aid in connection with the construction of the Thorla Shaikh Sullah bridge in Poona, (*iii*) Rs. 1,11,500 for a grant-in-aid for the Ahmednagar water supply scheme, (*iv*) Rs. 1,00,000 for a grant-in-aid for the pavement of the Nagzari Nalla in Poona, (*v*) Rs. 1,00,000 for allotment to the Sanitary Board to enable that body to make grants for minor sanitary projects, (*vi*) Rs. 1,00,000 for original works in connection with the development of Salsette as a residential area, (*vii*) Rs. 75,000 for a further grant-in-aid in connection with the improvement of the Poona drainage, (*viii*) Rs. 38,152 for the Nawabshah Drainage Scheme, (*ix*) Rs. 15,000 for the chemical treatment of the Poona city water supply and (*x*) Rs. 11,500 for trial surveys and preliminary investigations of sanitary projects.

In addition to the sum of Rs. 7,00,000 provided out of the Imperial assignment, a sum of Rs. 9,37,500 was also provided in the current year's budget under the head "24-B—Sanitation" for expenditure out of the surplus excise revenue. Out of this provision grants aggregating Rs. 4,87,500 have been sanctioned, the principal grants being (*i*) Rs. 1,00,000 for the distribution of quinine treatments to the public in Sind and Kanara and school children, (*ii*) Rs. 25,000 to the Bombay municipality in connection with the project for the supply of water to Salsette from Pawai lake, (*iii*) Rs. 1,43,092 for the purchase of boring machines, (*iv*) Rs. 1,02,300 to the Trimbak municipality as a grant-in-aid to cover the entire cost of its water supply scheme, (*v*) Rs. 29,790 to the Nasik municipality for an intercepting drain on the left bank and for filling up the hollows in the rocks of both banks of the Godavari river, (*vi*) Rs. 37,016 to the Hyderabad municipality as a grant-in-aid for filling up the Doman Wah Hollow and tank no. 2, and (*vii*) Rs. 10,000 in aid for Child Welfare Exhibition in Bombay. Moreover, Government are likely to sanction during the current year Rs. 58,180 to the Sukkur municipality as a grant-in-aid for filling up the Gharibabad tank and Rs. 75,000 as a further allotment towards the project for the supply of water to Salsette from the Pawai lake.

In next year's budget estimates a sum of Rs. 11,00,000 has been provided for expenditure from the surplus excise revenue. This provision includes (*i*) Rs. 2,75,000 for a grant-in-aid to the Bombay municipality for the construction of a reservoir in connection with a scheme for the supply of water to Salsette from the Pawai lake, (*ii*) Rs. 2,61,800 for expenditure in connection with the destruction of rats in the districts of Belgaum, Dharwar and Poona, (*iii*) Rs. 1,75,000 for a grant-in-aid to the Karachi municipality for the purchase of a destructor for the incineration of the town refuse, (*iv*) Rs. 1,00,000 for a grant-in-aid in connection with the Alandi water supply, (*v*) Rs. 1,00,000 for the distribution of quinine treatments to school children and the public in Sind and Kanara, (*vi*) Rs. 75,000 for the establishment of a bacteriological laboratory at Karachi, and (*vii*) Rs. 12,000 for plague research work at the Poona Research Laboratory.

The provision made in the current year's budget on account of grants towards the cost of the entertainment of health officers and sanitary inspectors by municipalities amounts to Rs. 40,000. The provision consists of (*i*) an Imperial recurring grant of Rs. 20,000 and (*ii*) a provincial allotment of Rs. 20,000. Out of this amount grants aggre-

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gating Rs. 36,000 approximately have been sanctioned. For next year the current year's provision of Rs. 40,000 has been repeated.

An additional provision of Rs. 10,062 has been made for grants to new village sanitary committees and for increased grants to some of the existing committees in the Presidency as follows:—

		Rs.
Northern Division	...	1,799
Central Division	...	6,022
Southern Division	...	1,240
Sind	...	1,001
		10,062

The Honourable Mr. G. S. Curtis:—Mr. President,—The next head is Agriculture. On the revenue side of this budget head, it is not necessary to make any remarks. On the expenditure side there is once more a large increase of nearly Rs. 5 lakhs, the principal feature of which is the large provision made for the extension of agricultural education. This is a matter to which this Government has given very special attention for many years. Provision has been made in the current year for further improvements at the Agricultural College at Poona. This college is already one of the most advanced and most efficient in India, and the proposed extension will probably make it by far the most go-ahead institution of its kind in the country. The Imperial Government have made a liberal contribution, which will be utilised for the provision of more land and improved buildings. Provincial funds will be used for supplementing this provision. Funds are also to be spent for the new appointment of Professor of Horticulture and Mycology. A deputy director of animal breeding has already been appointed, and various grants are proposed for the extension of the Chharodi Cattle Farm in North Gujarat and the cattle breeding farm at Bankapur in Dharwar. Arrangements have also been made to provide two agricultural schools in the mofussil areas.

The Honourable the Vice-President (Sir G. Carmichael):—Scientific and Miscellaneous, the Honourable Mr. Curtis.

The Honourable Mr. G. S. Curtis:—Under Scientific and Miscellaneous, on the revenue side it will be noted that under Miscellaneous there is a drop. This is due to the fact that it is not anticipated that the boom in company promoting, which was conspicuous in the past year, will continue in the coming year. On the expenditure side it will be noted that there is a large increase for development of industries. Funds have been allotted for the appointment of a deputy director and three industrial engineers. The appointment of a superintendent of fisheries is already made as well as that of an assistant chemist and research scholar. The Government workshops at Dapuri have been transferred from the Public Works Department to the Department of Industries. Funds are also provided for the further expansion in the work of this Department, as industrial specialists become available.

Provision has also been made for the cost involved in the proposals for the amalgamation of the Factory, Steam Boiler and Smoke Nuisance Departments.

A special grant to which reference has already been made is Rs. 30,000 to the Cama Institute of Oriental Learning.

The Honourable the Vice-President (Sir G. Carmichael):—Under the head Superannuations, the revenue is going up very slowly, while the expenditure is going up comparatively rapidly. The expenditure is consequential as it depends on the total pay of the establishment. This has gone up in recent years, so also superannuation allowances and pensions.

The Honourable Mr. G. S. Curtis:—Under the head of Stationery and Printing, I am glad to state that I have not very much to say. As a result of drastic economy in the use of printing matter, the cost of printing on Government account is expected to be much the same in the coming year as it was in the current year. Some comment has been aroused by the fact that the Government Central Press is still in the premises on the sea face. The site which was ear-marked for the press was taken over by the Government of India during the war and amalgamated with the dockyard. It is now being

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used for the purpose of the Indian Marine, and is not likely to be available for our purpose for some years to come. Consequently, arrangements were made to erect a new press at Agripada near Byculla. These proposals have been reconsidered, and it has now been decided to move the press from Bombay altogether and locate it in the new industrial locality near Chembur. Plans and estimates for this are under preparation.

The Honourable Sir Ibrahim Rahimtoola:—Mr. President,—The following items under the head "32—Miscellaneous" pertain to the General Department. In 1918-19 Government announced their intention to subsidize municipalities in the Bombay Presidency, including Sind, to the extent of one-third of the pay of their executive officer, provided they comply with the following conditions:—(1) that they appoint as their chief executive officer a person approved by Government; (2) that they pay him an adequate salary; and (3) that they delegate to him adequate powers. Government have, at the same time, stated that, in the case of municipalities which appoint a Government servant as their chief executive officer on conditions (2) and (3), they will be prepared to further subsidize them by making a grant equivalent to his pension and leave contributions. In accordance with these orders, grants aggregating Rs. 38,000 approximately have been sanctioned up to now to the several municipalities which applied for the subsidy. In next year's budget an aggregate provision of Rs. 50,000 has been made for this purpose.

In the last two years and the current year Government have appointed non-official presidents for 12 district local boards giving them the powers which the official presidents, namely, the Collectors, exercised before. In order to get the ordinary administration of the boards clear of its very intimate connection with the Collector's office, of which it formed practically one branch, a self-contained office, together with the services of a chief officer, was placed at the disposal of the non-official president. As the district local boards were unable to meet the expenditure on this account, they have been granted subventions of about Rs. 83,316, equivalent to the amount of the cost of the appointment of chief officer and of the local fund establishment in the Collector's office.

Government have approved a scheme for the abolition of tolls on local board roads. Under it, the district local board concerned is to be granted an annual contribution equal to the average of its receipts from tolls, on the condition that the whole amount is spent by the board exclusively on the construction and maintenance of roads. It was announced that, as in the case of abolition of tolls on provincial roads,, the scheme would be introduced gradually and as speedily as the state of provincial finances permitted. The current year's provision on this account is Rs. 1,40,000. Out of this grant sums aggregating Rs. 55,983 have so far been sanctioned to the following district local boards:—Ahmedabad, Bijapur, Satara, Nasik, Kanara and Thana. The provision could not be fully utilised during the current year, as the question of the payment of compensation to the Thana district local board for the abolition of tolls on the Bandra Ghodbunder Road was to be settled. When that question was decided, tolls had already been farmed out by the remaining boards that had agreed to the scheme. Government now propose to abolish tolls on all the remaining local board roads and to pay compensation to the boards concerned and also to those local boards which abolished tolls before 1914, either partly or wholly. The amount required in this connection is estimated at Rs. 3,09,300 against the provision of Rs. 1,40,000, and a further sum of Rs. 1,69,300 is provided for next year. The necessary action will be taken when the budget is finally passed.

The Bombay Municipal Corporation have agreed to the repeal of section 190 of the City of Bombay Municipal Act with a view to discontinuing the toll leviable on vehicles entering the city from Salsette, which are not liable to the tax under section 180 of the Act, in return for an annual subsidy of Rs. 25,000 from Government.

The Honourable Mr. G. S. Curtis:—Mr. President,—The heads 42 and 43, Irrigation, do not call for very much comment. Honourable members, however, who have followed recent debates, will be interested to note that in the budget estimate for 1920-21 there is a provision for Rs. 25,000 on account of repairs of small irrigation tanks. As regards the works managed by the Public Works Department, the grant has risen from 34 lakhs 57 thousand in the current year to 48 lakhs 77 thousand in the coming year. The policy of Government is to afford, as far as possible, increased grants under these heads so as to make small works as efficient as possible.

The budget provision under the head Civil Works for the coming year reaches the high figure of 1,88,95,000. In the past years the largeness of these figures under this head has been a matter of unfavourable comment in this Council. But I think when the

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[*Mr. G. S. Curtis; the Vice-President.*] [15TH MARCH 1920.]

matter is gone into more carefully, it will be realised by members of this Council that the Public Works Department is really the handmaid of other departments. And as regards this particular grant, the comfort and efficiency of other departments largely depend on the extent to which their particular wants are provided for under this head. If the detailed remarks in paragraphs 126 and following are examined, it will be found that the works for which this money is spent are nearly all works pertaining to various departments such as medical, communications and so forth, works of the most useful character and absolutely essential for the efficiency of the departments concerned.

The only items which have been entered since the Draft Financial Statement was prepared and which are of special interest may be mentioned. It is proposed eventually to impose a cess on lands in tracts newly opened for irrigation in order to enable local boards and other authorities to repair and build roads necessary for the development of those tracts. Legislation for this purpose is in preparation. Some time, however, will elapse before the bill will pass this Council, and it is proposed to give local boards special grants at once. It is hoped that the local boards concerned will make full use of these grants in order to enable cultivators, in places like Ahmednagar and Poona, to have speedy access from main roads to their fields.

The Honourable the Vice-President (Sir G. Carmichael):—The last head in the budget is Transfers between Imperial and Provincial Revenues, page 24 of the Revised Financial Statement. It will be seen that the balances against provincial have been increased from 33,91 in the revised statement in the current year to 57,92. This is largely due to the increase under Income-Tax. The Government of India, as I said before, take the whole increase due to the revised rates of taxation introduced in April 1916. The provincial half share is restricted to the half share of the old rates. The Government of India, as will be seen from item 7 on page 55, take over Rs. 89,31,000 on account of this additional revenue. They return Rs. 6,50,000 to make up the decrease in the provincial half share which was caused by the introduction of the excess profits tax on the top of income-tax for the last year, and also to make up the loss which accrued on account of the raising of limit of taxation to Rs. 2,000.

The only other item to which I would call the attention of honourable members is item No. 16, three lakhs of Imperial contribution in connection with the revised system of apportionment of police charges between Government and the railway companies. The Provincial Government are to pay the whole of the police required for law and order, and the railway companies are to pay for their watch and ward.

This concludes the budget.

The Council will now adjourn till 11-30 o'clock to-morrow.

The Council then adjourned till 11-30 o'clock on Tuesday, the 16th of March 1920.

By order of His Excellency the Honourable the Governor,

G. DAVIS,
Secretary to the Legislative Council of the
Governor of Bombay.

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PART V.

Proceedings of the Council of the Governor of Bombay.

Journal of the Proceedings of the Legislative Council of the Governor of Bombay, assembled under the provisions of the Government of India Act, 1915.

The Council re-assembled at 11-30 a.m. on Tuesday, the 16th March 1920, at the Council Hall, Secretariat, Bombay.

PRESENT :

The Honourable Sir G. CARMICHAEL, K.C.S.I., I.C.S., *Vice-President*.
The Honourable Mr. G. S. CURTIS, C.S.I., I.C.S.
The Honourable Sir IBRAHIM RAHIMTOOLA, Kt., C.I.E.
The Honourable the Advocate General (Sir THOMAS J. STRANGMAN, Kt.).
The Honourable Mr. SALEBHOY KARIMJI BARODAWALLA.
The Honourable Mr. DATTATRAYA VENKATESH BELVI, LL.B.
The Honourable Mr. GHULAM MUHAMMAD walad Khan Bahadur WALI MUHAMMAD BHURGRI, Bar.-at-Law.
The Honourable Mr. RUPCHAND BILARAM, LL.B.
The Honourable Mr. R. H. BROOKE.
The Honourable Mr. SHERIFF DEVJI CANJI.
The Honourable Mr. F. CLAYTON.
The Honourable Mr. J. G. COVERNTON, C.I.E.
The Honourable Mr. PANDURANG ANANT DESAI, LL.B.
The Honourable Rao Saheb HARILAL DESAIBHAI DESAI, LL.B.
The Honourable Mr. R. E. ENTHOVEN, C.I.E., I.C.S.
The Honourable Major C. FERNANDES, M.D., F.C.P.S., I.M.S.
The Honourable Rao Bahadur SIDDHANATH DHONDDEV GARUD.
The Honourable Dewan Bahadur KASHINATH RAMCHANDRA GODBOLE.

BOMBAY TOBACCO BILL.

[*The Vice-President; Mr. G. S. Curtis; Rao Saheb H. D. Desai.*] [16TH MARCH 1920.]

The Honourable Mr. MAHOMEDBHOY HAJEEBHOY.
The Honourable Shaikh GHULAM HUSSEIN HIDAYATALLAH, LL.B.
The Honourable Mr. J. D. JENKINS.
The Honourable Mr. BALKRISHNA SITARAM KAMAT.
The Honourable Khan Bahadur PIR BAKSH walad MIAN MAHMUD, C.I.E.
The Honourable Mr. P. J. MEAD, C.I.E., I.C.S.
The Honourable Mr. CHUNILAL VIJBHUKHANDAS MEHTA, LL.B.
The Honourable Rao Bahadur VENKATESH SHRINIWAS NAIK.
The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE.
The Honourable Mr. GOKULDAS KAHANDAS PAREKH, LL.B.
The Honourable Mr. ABDUL KADIR *alias* FAKIR MAHOMED walad IBRAHIM KHAN PATHAN.
The Honourable Sir DINSHAW MANOCKJEE PETIT, Bart.
The Honourable Mr. MUNMOHUNDASS RAMJI.
The Honourable Mr. L. ROBERTSON, C.S.I., I.C.S.
The Honourable Rao Bahadur GANESH KRISHNA SATHE, C.I.E.
The Honourable Mr. C. N. SEDDON, I.C.S.
The Honourable Mr. PHIROZE C. SETHNA, O.B.E.
The Honourable Mr. H. O. B. SHOUBRIDGE, M.Inst.C.E.
The Honourable Colonel J. B. SMITH, C.B., I.M.S.
The Honourable Mr. PURSHOTAMDAS THAKURDAS, C.I.E., M.B.E.
The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI.
The Honourable Mr. HARCHANDRAI VISHINDAS, C.I.E., LL.B.

BOMBAY TOBACCO BILL (BILL No. IV OF 1919).

The Honourable the Vice-President (Sir G. Carmichael):—Order, order. A bill to amend the law relating to the duty payable on tobacco and to the import, transport, retail sale and warehousing thereof in the City of Bombay (Bill No. IV of 1919), second reading. The Honourable Mr. Curtis.

The Honourable Mr. G. S. Curtis:—Mr. President,—I ask permission to postpone once more the second reading of this bill till the meeting of this Council in August next.

The questions at issue between Government, on the one hand, and the municipal corporation of Bombay and the tobacco trade, on the other, are almost entirely of a financial nature. I mean that the question whether the power for taxation should be retained depends mainly on the anxiety of the Bombay municipality not to lose what, it is contended, is an expanding head of revenue. The financial position of the Bombay municipality will shortly come under review in connection with the proposals submitted by the Government regarding the housing question, sanction to which, it is hoped, will be received shortly. It will be better, therefore, to defer consideration until the whole position has been re-examined in the light of this proposal. I would, therefore, ask that the second reading of this bill may be deferred as I have stated.

The Honourable Rao Saheb H. D. Desai:—Mr. President,—I rise to a point of order whether the President can allow any business on the agenda to be adjourned, under rule 6, to any day which is not a part of the present session without a regular motion for adjournment being brought under rule 7.

The Honourable the Vice-President (Sir G. Carmichael):—Rule 6 (1) reads:—

> "The President may adjourn any meeting or any business to any future day or to any part of the same day without any discussion or vote, but shall adjourn any meeting if the quorum prescribed by Regulation XIII of the Regulations for the Nomination and Election of Additional Members of the Legislative Council is not present."

I take that to mean that the President has the power to adjourn without any discussion or vote any motion to any future session of this Council. I do not think we can read into this section the wording which the Honourable Rao Saheb Desai wishes us to read.

The motion for the second reading of this bill is by permission postponed.

BOMBAY DISTRICT MUNICIPAL BILL.

[16TH MARCH 1920.] [*The Vice-President; Sir Ibrahim Rahimtoola.*]

A BILL FURTHER TO AMEND THE BOMBAY DISTRICT MUNICIPAL ACT, 1901 (BILL No. VI OF 1919).

The Honourable the Vice-President (Sir G. Carmichael):—Bill further to amend the Bombay District Municipal Act, 1901 (Bill No. VI of 1919), second reading. The Honourable Sir Ibrahim Rahimtoola.

The Honourable Sir Ibrahim Rahimtoola moves the second reading of the bill.

The Honourable Sir Ibrahim Rahimtoola:—Mr. President,—I beg to move that the bill to further amend the Bombay District Municipal Act, 1901, be read a second time.

Honourable members will observe that the two points with which this bill deals have received the support of a very large number of the members of the select committee. Honourable members are aware that when the bill was read the first time it was opposed on the ground that the Presidency Magistrates should not be the authority to take the place of the Municipal Commissioner in the matter of collecting the arrears of taxation for district municipalities. I informed the Council on that occasion that Government were quite willing to consider any suggestions which may be made for the substitution of the Presidency Magistrate by some other authority. All that they wanted was that the Municipal Commissioner should be relieved of this duty. In the select committee the appointment of the Presidency Magistrates for this work was criticized on the ground that it was likely to lead to the use of the police and the majority of the members felt that it was undesirable to introduce the police in this matter. They, therefore, suggested that the Registrar of the Court of Small Causes should be called upon to do this work. Government readily accepted that suggestion and honourable members will observe that it has now been incorporated in the bill. The effect of this amendment is that, in the future, instead of the Municipal Commissioner, the Registrar of the Court of Small Causes will have to do the work of collecting these arrears.

I hope honourable members will recognize that it is an improvement and that Government have tried their best to meet the wishes of honourable members.

The other point which the bill deals with is in connection with the terminal tax and octroi. On that point the committee is unanimous and I need not take up the time of the Council in dilating upon it.

In regard to the first point, I observe that the Honourable Rao Saheb Desai has sent in a minute of dissent. He seems to be under the impression that the Municipal Commissioner should not be relieved of this duty and that because Government at one time decided to put the Municipal Commissioner in for this work, he wishes to continue that practice in spite of the fact that experience has shown that the system has worked very unsatisfactorily from the point of view of the district municipalities. In answer to the honourable member's interpellation a full statement of facts in connection with the work done in the past has been given. The attention of the honourable members was drawn to these figures on the occasion of the first reading. They are now printed and any honourable member who scrutinizes this statement will recognise that if the appointment of the Municipal Commissioner to do this duty was to lead to the results indicated in this statement it is in the interests of the district municipalities that he should be changed for some other officer who may be able to do the work of collecting the arrears more efficiently.

There is only one more point which the honourable member refers to in his minute of dissent and it deals with the introduction of some measures for the purpose of enforcing payment of these taxes. When the amendment is moved it is my intention to call attention to the previous rulings on the subject and to point out that in amending bills amendments can only be admitted in regard to the subject matter that is being amended by the bill. Frequently points have been raised for the amendment of other sections of the act when an amending bill is under consideration and it has been held that that cannot be allowed because it would mean that the whole of the act which is under amendment can be made the subject of discussion.

I am not sure, sir, whether, apart from the point of order which I propose to raise at the proper time, it is a wise measure to give municipalities such wide powers as are proposed by the honourable member. It is perfectly true that these powers were given in the Act of 1888 to the Bombay municipality. But, as far as I know, they have not been utilised. The District Municipal Act was amended later in 1901 and the legislature did not then consider it desirable to concede them to district municipalities.

Honourable members of this Council who are conversant with house property, especially chawl property, know what an amount of feeling was brought out when managers

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[*Sir Ibrahim Rahimtoola; Mr. S. B. Upasani; Rao Saheb H. D. Desai.*] [16TH MARCH 1920.]

or servants employed to collect rents used to take the law into their own hands and lock up the property of the tenant on the mere plea that he was going to abscond. To give such powers by law to officers of district municipalities would enable them to demand payment at the point of the bayonet on the mere supposition that the tenant was going to run away. I am sure honourable members would hesitate to give such far-reaching powers to municipal officers as against the members of the public. I do not, however, wish to go into the merits of the question at present. I will raise the point of order at the proper time and, if necessary, will then refer to it further.

The two issues under the bill as introduced are whether the Municipal Commissioner or some other officer should be entrusted with the duty of collecting these arrears in the city of Bombay, and whether octroi and terminal tax should be put on the same basis in the matter of reaching agreements between local bodies in the same area. I trust the Council will be satisfied that Government have met the wishes of non-official members and that they will accept the recommendations of the majority of the members of the select committee. I beg to move, sir, that the bill be read a second time.

The Honourable Mr. S. B. Upasani:—Mr. President,—I think the provision made in the bill to recover these dues through the Court of Small Causes will be inconvenient and expensive. We know the difficulties which creditors have to experience and the expenses they have to incur in getting their decrees executed by bailiffs of the Small Cause Court in Bombay, and, in the case of warrants for recovery of amounts due to outside municipalities, there will be still greater difficulty in their recovery through this agency. I think the Bombay municipality was the proper agency for the recovery of these municipal dues and, if it was at all not possible to secure that agency, provision should have been made for their recovery by the Collector of Bombay as a revenue demand. I cannot, therefore, see my way to support the second reading of the bill as it stands.

The Honourable Rao Saheb H. D. Desai:—Mr. President,—I do not wish to oppose this motion for the second reading of the bill, because the question with which we were concerned was to supply to the mofussil municipalities a machinery as good as the one which was laid down in the District Municipal Act by the amendment which was introduced into it in 1914. Consequently, though I put in my minute of dissent and I have my own fears whether the machinery which is sought to be given, namely, the Registrar of the Small Cause Court, would be a proper machinery, I thought that it would be satisfactory if the mofussil municipalities are given sufficient powers, on the analogy of the powers which are conferred on the Bombay city municipality, to be watchful and to collect their taxes in the right time so that there may be no occasion to resort to any machinery in Bombay for collection. Appendix "O" and appendix "P", to which reference has been made by the Honourable Member in Charge, will show that the difficulties mostly have arisen in the case of suburban municipalities like Bandra, Kurla, Ghatkoper, Lonavla, Poona and Bhiwandi. Residents of Bombay go out to stay in the suburban municipalities for about two or three months for the benefit of their health and appear to return without paying their taxes. Consequently, you find that, in the case of the Kurla municipality, as will appear from appendix "O", the amount to be recovered in 1914 was Rs. 120, in 1915 it was Rs. 2,562, in 1916 it was Rs. 1,413, and the total amount to be recovered in 1917 was Rs. 2,714, in 1918 Rs. 1,410 and in 1919 Rs. 1,010. Under such circumstances, the mofussil municipalities require some power, and, though the Honourable Member in Charge has given intimation to the Council that he is going to raise a point of order with reference to the amendment which I will be proposing hereafter, I beg to submit to the chairman as well as to honourable members that what the amendment would seek to do would not be to raise a distinct issue for amending the act upon any ground which is different from the main purpose for which the amendment has been undertaken. The reason why the amendment is undertaken is that the machinery provided in the District Municipal Act for the recovery of arrears is not sufficient. Therefore, the amendment is undertaken in order to provide a better machinery. Now, I propose that the proper machinery would be both a machinery in Bombay and also a machinery which would enable the district municipalities, if they are watchful, to recover their taxes in right time, so that the Bombay officers may not have to be troubled and expenses may not have to be incurred. Therefore, my proposal with reference to the amendment which I am going to propose is quite cognate to the subject under discussion and quite consistent with the amendment proposed to be undertaken under this bill. With these words, I do not wish to oppose the second reading of the bill but would allow it to pass on for consideration section by section.

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[16TH MARCH 1920.] [*Mr. C. V. Mehta; Sir Ibrahim Rahimtoola.*]

The Honourable Mr. C. V. Mehta:—Mr. Chairman,—I have pleasure in supporting the second reading of this bill. I am glad, sir, that the Honourable Rao Saheb Harilal Desai has not taken up the same ground of opposition to the bill as he did at the time of the first reading. The matter was fully discussed when the first reading was moved and passed by this Council, and I therefore do not think that any useful purpose would be served by showing why it is necessary that the amendment of the act be undertaken.

As regards the change from the Presidency Magistrate to the Registrar of the Court of Small Causes, it was felt in the select committee and unanimously agreed that it would be an improvement and that an agency which is removed from the police would perhaps be the best agency for the recovery of these dues. We, therefore, came unanimously to the conclusion that the Registrar of the Small Cause Court ought to be recommended to this Council as the person who should recover these taxes.

With regard to the amendment which the Honourable Rao Saheb Desai wishes to propose, asking for powers to be given to the district municipalities to recover taxes at the point of the sword, as was pointed out by the Honourable Member in Charge, he does it, I believe, on the analogy of such a section being in existence in the Bombay Municipal Act. I think I am correct in saying, sir, very rarely has this section been made use of. But whether that was so or not, it appears to me that giving this power to the district municipalities, which would naturally be used by the servants of those municipalities, would be too drastic and disproportionate a power for the recovery of what are, as you see from the appendices attached to the questions and answers, really small amounts. I should like to ask the honourable member whether he believes that the liberty of the inhabitants of the district municipalities should be endangered for the recovery of what have been shown to be very small amounts, and I am afraid that, if this amendment were introduced by this Council at the instance of any one member, we will perhaps be in the same position in which we were when the amendment of the District Municipal Act was introduced compelling the Municipal Commissioner for the city of Bombay to be the agency for the collection of these dues, without consulting the Bombay municipality. I believe, sir, that, even if this amendment were desirable, it would be necessary to ascertain the wishes of the district municipalities themselves, as to whether they, in their opinion, think that it would be advisable to invest their officers with the somewhat drastic powers that are proposed by the honourable member. I think whatever be the merits of the question on technical grounds, whether the amendment is in order or not, it is hardly fair that, without ascertaining the wishes of the district municipalities, the Council should straight off, on the recommendation of one honourable member, undertake legislation which would put into jeopardy the liberty of a large mass of people. I therefore hope, sir, that the amendment will not commend itself to this Council.

The Honourable Sir Ibrahim Rahimtoola:—Sir,—I was disappointed to hear the Honourable Rao Saheb Harilal Desai saying that he wanted a machinery as efficient as the existing one for the recovery of these taxes. I am delighted to find that, in spite of the statistics that have been supplied in reply to his interpellation, the honourable member still considers the present machinery, that is, that of the Municipal Commissioner, to be so very efficient as to demand another which is equally so.

Sir, the facts as stated in the statement clearly disclose a different story. Taking the year 1917, out of 39 warrants received, only 3 were executed. Now, if that is efficiency, I congratulate the honourable member on his conception of efficiency. What we want, sir, is that a machinery should be provided, under which almost the whole amount of these warrants should be collected, and, for that purpose, we are now suggesting, at the instance of non-official additional members of the select committee, the substitution of the Registrar of the Court of Small Causes for the Presidency Magistrate and the Municipal Commissioner, with a view to finding out whether it will not be more efficient than the existing one. If, by any chance, it does not prove to be more efficient, it will be open for this Council to consider whether some other agency cannot be provided.

Then, sir, I was surprised to find that an honourable member, who is eminent in his legal profession, could not see the distinction between the bill and the amendments which he wishes to move. He says that we want a better machinery in the districts for collecting the municipal taxation. The issue before the Council is better machinery for enforcing distress warrants in the city of Bombay. This bill has got nothing whatsoever to do with the collection of taxes outside the city of Bombay. We are not sitting here to consider what should be the machinery for the more efficient collection of municipal taxes in district municipal areas. All that we are concerned with at present is the best machinery that could be evolved for the purpose of collecting the arrears of taxation of

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district municipalities from people in the city of Bombay, and anything which deals with that question is alone relevant. The whole question of the more efficient collection of taxes in district municipal towns is not before the Council, and can be raised by honourable members in the form of a separate resolution, asking Government to legislate in that direction, or perhaps the more constitutional method would be the one suggested by the Honourable Mr. Chunilal Mehta, namely, to move the municipalities to make representations to Government, asking them to legislate in the direction of any suggestions which they may have to make for the better collection of taxes within district municipal areas. I beg to submit, sir, that that distinction is so clear that I am sorry the honourable member has not been able to see it. Sir, I do not wish to take up any more time of the honourable members, and I trust that they will recognise that, in discussing this bill, the Council cannot enter into the whole problem of the more efficient collection of taxes by district municipalities within local areas, and that they will confine themselves to the issue in the bill, namely, the more efficient manner in which the arrears of taxation could be collected from people in the city of Bombay. For that purpose Government have accepted the suggestion of non-official additional members, by putting in the Registrar of the Small Cause Court for the Municipal Commissioner. I hope this will satisfy honourable members and that the second reading of the bill will be carried.

Bill read a second time.

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

Bill read clause by clause.

The bill was then read clause by clause.

Clauses 1 to 3 were then severally put to the vote and carried.

The Honourable Sir Ibrahim Rahimtoola:—Mr. President,—For reasons which I have already indicated, I now ask for a ruling as to the relevancy of the amendments proposed to be moved by the Honourable Rao Saheb Harilal Desai. I beg to submit that, for the reasons which I have given, they are quite out of order.

The Honourable Rao Saheb H. D. Desai:—Mr. President,—Is it open to me to explain my position in reference to the amendments?

The Honourable the Vice-President (Sir G. Carmichael):—Yes.

The Honourable Rao Saheb H. D. Desai:—I beg to submit, sir, that several inhabitants of Bombay used to take advantage of suburban municipalities for a short time and used to go away without paying the taxes, and great difficulty was felt in recovering the money.

The Honourable Sir Ibrahim Rahimtoola:—May I ask the honourable member to confine himself to the point of order as to whether this is relevant on the present occasion? The question is not whether it is desirable or not.

The Honourable Rao Saheb H. D. Desai:—I beg to explain that the relevancy of my amendments arises in this way, that the machinery which was given by the amendment to the District Municipal Act for the collection of arrears from people who had returned to Bombay was not found efficient. Whether it was so because the municipal machinery in the city of Bombay was not efficient, or whether there was not the will, and therefore there was not the way, is a different matter. But on account of that, this amendment was undertaken. Now, the question is whether, if the provisions of section 83 were so amended as to allow watchful district municipalities to recover arrears of taxation while the persons are within the local area, it would not form a cognate part of the whole matter. The question is about the machinery for the collection of taxes, and I suggest that, if this section 83A were added, the machinery would be complete, both outside as well as in Bombay. The whole question is a cognate one. You are considering how to help district municipalities to recover the money. I say that they could recover the money when the person is within the local area in this way, but, if he comes here without payment, the money can be recovered by the officer named in the amending provisions. I think the whole question is cognate, and I am not seeking to introduce any element which is different from the purpose of the bill.

The Honourable the Vice-President (Sir G. Carmichael):—I am compelled to adhere to the view that the amendments are not in order, and for this reason. The principle underlying the bill is with regard to the machinery for the collection of municipal arrears in Bombay, and the amendments deal with an entirely different matter, as pointed out by the Honourable Sir Ibrahim Rahimtoola. So I rule that these amendments are not in order.

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Clause 4 was then put to the vote and carried.

The preamble was then put to the vote and carried.

The Hon'ble Sir Ibrahim Rahimtoola moves the third reading of the bill.

The Honourable Sir Ibrahim Rahimtoola:—Sir, I beg to move that the bill be read a third time and passed.

Bill read a third time.

The motion for the third reading of the bill was put to the vote and carried.

A BILL FURTHER TO AMEND THE CITY OF BOMBAY MUNICIPAL ACT, 1888 (BILL No. VII OF 1919).

The Honourable the Vice-President (Sir G. Carmichael):—A bill further to amend the City of Bombay Municipal Act, 1888 (Bill No. VII of 1919), second reading. The Honourable Sir Ibrahim Rahimtoola.

The Hon'ble Sir Ibrahim Rahimtoola moves the second reading of the bill.

The Honourable Sir Ibrahim Rahimtoola:—Mr. President,—I beg to move that Bill No. VII of 1919, a bill further to amend the City of Bombay Municipal Act, 1888, be read a second time. Honourable members will observe that the select committee has not made any change in the bill. It has been unanimously approved by the members of the select committee and I do not, therefore, wish to take up the time of the Council in dilating upon it. I will, therefore, content myself by moving that the bill be read a second time.

Bill read a second time.

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

Bill read clause by clause.

Clauses 1 to 7 of the bill were then severally put to the vote and carried.

The preamble was then put to the vote and carried.

The Hon'ble Sir Ibrahim Rahimtoola moves the third reading of the bill.

The Honourable Sir Ibrahim Rahimtoola:—Sir, I beg to move that the bill be read a third time and passed.

Bill read a third time.

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

A BILL TO AMEND THE LAW RELATING TO THE REGULATION OF PUBLIC CONVEYANCES (BILL No. VIII OF 1919).

The Honourable Sir G. Carmichael moves the second reading of the bill.

The Honourable the Vice-President (Sir G. Carmichael):—I rise to move the second reading of Bill No. VIII of 1919, a bill to amend the law relating to the regulation of public conveyances. The select committee have introduced a good many changes in the bill, some of importance, but most of them of a minor nature.

With regard to the period for which conveyances are to be licensed, they have decided to fix the period according to the existing system. This is favoured by the Bombay Hack Owners' Association. The select committee also asked the Commissioner of Police his views, and he advised that any other system would be most inconvenient for the licensing authorities in Bombay. If the system is one which commends itself to all parties in Bombay, where there are thousands of vehicles to be examined, it can surely be adopted so as to work without causing inconvenience in places like Poona, where public conveyances are numbered by hundreds only. That is the opinion of the select committee, and they have recommended accordingly that a fixed licensing period should be provided for. They have fixed it to run from the 1st of January to the 31st of December of every year.

Sub-clause (*b*) of clause 5 has been struck out. The select committee did not think that the licensing authorities need consider the fitness of an applicant for a conveyance license, provided the conveyance was a good one and well found. The fitness of the driver is, of course, another matter. For that, provision has been made under clause 12.

We have also given applicants for licenses the power to require that their horses be examined by a veterinary practitioner in the service of Government or of a local authority, in any cases where they are not satisfied with the verdict of the licensing authority. These

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[*The Vice-President.*] [16TH MARCH 1920.]

changes are designed to protect applicants for licenses against any possible arbitrary action on the part of the subordinate officers of the licensing department.

The original bill did not provide for the charging of any fees for the driver's license. The committee were inclined to think, however, that this must have been an oversight, and, following the Calcutta practice, they have made provision in the bill for the levy of a fee. The committee were further of opinion that the fares to be charged and the changes in the scale from time to time should be published for criticism before being finally sanctioned. An amendment has been made to give effect to this. It was suggested to the committee that it was not an uncommon practice for drivers to blackmail their passengers by the use of abusive and insulting language. Honourable members will also further remember that the bill was criticised at the time of the first reading on the ground that no provision had been made against the practice of drivers loitering in the streets for hire. It was found on examining the Calcutta Act that both these matters were dealt with by clause 26, sub-clauses (i) and (1) (v), and the committee recommended that similar clauses should be incorporated in this bill. The committee further recommended that an addition should be made to clause 31 to prevent vaxatious references to magistrates.

The last point is that, when the bill was under discussion, it was pointed out that, if it were passed as it stood, the local authorities, with the exception of the Bombay municipality, would not receive, as they used to receive, the balance between the receipts under the act and the expenses incurred in connection with the licensing operations in their areas. The new sub-clause 5 to clause 36 rectifies this omission in the original bill, which I hope will satisfy, among other local authorities, the Ahmedabad municipality, which has made representation to this Council on the subject.

With these remarks I beg to move the second reading of the bill.

Bill read a second time.

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

Clauses 1 to 31 were then successively read and carried.

Bill read clause by clause.

The Honourable the Vice-President (Sir G. Carmichael):—I wish to draw the attention of honourable members to clause 32, sub-clause (2), which reads:—

"If the owner, after being duly summoned, fails, without reasonable excuse, to appear or to produce the driver, he shall be punishable with fine not exceeding fifty rupees."

In the preceding sub-clause, *i.e.*, sub-clause (1), you will notice that the phrase used is not "the owner" but "the licensee of such conveyance". I think it would be advisable to have a uniform wording in the two sub-clauses. I, therefore, beg to move that for the word "owner" in sub-clause (2) the word "licensee" be substituted.

The motion was put to the vote and carried.

Clauses 32 to 39 and the schedule were then successively read and carried.

The preamble was then put to the vote and carried.

The Honourable Sir G. Carmichael moves the third reading of the bill.

The Honourable the Vice-President (Sir G. Carmichael):—I now beg to move that the bill be read for a third time.

Bill read a third time.

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

A BILL TO AMEND THE CITY OF BOMBAY POLICE ACT, 1902 (BILL No. X OF 1919).

The Honourable the Vice-President (Sir G. Carmichael):—A Bill further to amend the City of Bombay Police Act, 1902 (Bill No. X of 1919).

I rise to move the second reading of Bill No. X of 1919. The important part of this bill relates to certain measures proposed to be taken for the protection of women against their detention and ill-treatment in brothels. The bill gives the Commissioner of Police power to deport from the city of Bombay persons at whose hands the unfortunate women in brothels are likely to suffer gross ill-treatment. The committee were of opinion that any person against whom the power may have to be exercised should have due notice. Seven days' notice is provided for in other cases where the Commissioner of Police has power to deport from the city of Bombay, and it is proposed by the committee that the same period of notice should be given in any case where the Commissioner of Police proposes to deport under the new provisions of this bill. Also, the committee were of opinion that the deportation order should be subject to the sanction of Government. They considered that this measure would ensure that any such order would

The Honourable Sir G. Carmichael moves the second reading of the bill.

CITY OF BOMBAY POLICE BILL.

[16TH MARCH 1920.] [*The Vice-President; Rao Saheb H. D. Desai; Mr. Purshotamdas Thakurdas; the Advocate General.*]

be made with due consideration. In the draft, as it now stands, whipping has been struck out as a form of punishment which might be awarded for the unlawful detention of women for the purpose of prostitution. The majority of the committee were opposed to this form of punishment because they considered that it is brutalising in its effect.

The conditions constituting this offence of unlawful detention have been slightly amplified by making it an offence to detain a woman by threat of proceeding against her for the money lent as well as for the recovery of wearing apparel lent or supplied to her.

Coming to the other part of the bill, the original bill made it an offence to behave in a violent and disorderly manner in a building belonging to Government or appropriated for a public purpose. The committee were of opinion that such a clause might undesirably restrict the freedom of debate or, shall I say, freedom of action on the occasion of a public meeting. The sub-clause has accordingly been deleted and the bill now provides only against disregard of a notice prohibiting smoking and spitting. The intention of Government in bringing the bill was to provide for these matters only.

The other changes which appear in the bill have been made with a view to improve the drafting.

The Honourable Rao Saheb H. D. Desai:—Mr. President,—On referring to clause 7 of this bill I find that the provisions of that clause have been framed in the select committee while the bill was before that committee. I think that such a provision is likely to be observed, so far as Government officers are concerned, rather in the breach than in the performance, and I very much doubt whether it would be wise to put such a thing in an enactment of this character.

Clause 7 says:—

> "Whoever in any Court, Police station, Police office, building occupied by Government or building occupied by any public body smokes or spits in contravention of a notice previously approved by the Governor in Council and affixed to such a Court, station, office, or building, shall be punished with fine which may extend to fifty rupees."

Now, leaving the spitting aside, I just refer to smoking to make my meaning clear. Suppose, here in the Secretariat, a notice is put up that anyone smoking inside this building will be liable to be prosecuted and punished. There would be so many officers and servants of Government working in such a big building; and is it possible that there would be perfect prohibition against smoking on their part and is it possible to observe the rule in the performance? I think it is rather a very drastic provision and is one which, if it were introduced with reference to a building like the High Court or the Secretariat, I do not think that Members of Council or secretaries or heads of departments, who very often are seen moving about in the building with a cigar in their mouths, would be stopped by it. In that case would the notice of Government be that, except Government officers, anybody who smokes will be prosecuted? In that case, what would be the result of it? I am only pointing out to the Council the redundancy, or rather the awkwardness, of this provision, and I have nothing further to say on that point.

Reading the report of the select committee and looking at the provision, it seems to me that perhaps we are going too far and, I think, we may have to stop short when issuing the notice under the act, or, if a notice is issued, then it may be rather only against the public and in favour of public officers if it is to be observed.

The Honourable Mr. Purshotamdas Thakurdas:—Mr. President,—I just rise to say that this same point was raised in the select committee and we were told that notices, whenever put up, would be put in such rooms, or such parts of Government buildings, where smoking was not to be allowed, e.g. in the court rooms of the Court of Small Causes and in the corridors and other such important parts of the building. That does not mean that every room in the Small Cause Court, such as the pleaders' room and judges' chambers, will be affected by the notice. And I think the same analogy would apply to the Secretariat. No smoking may be allowed in the Council room but anybody may smoke in the terrace near the lift. The question was thus raised in the select committee and the clause allowed to stand in view of the above explanation.

The Honourable the Advocate General (Sir Thomas J. Strangman):—Mr. President,—The Honourable Rao Saheb Desai is mistaken in supposing that clause 7 was inserted by the select committee as something new. If he looks at page 3 of the bill he will see that the original clause, 123 (b), has the same effect as the present clause,

CITY OF BOMBAY POLICE BILL—VILLAGE PANCHAYATS BILL—ALIENS' DISQUALIFICATION BILL.

[16TH MARCH 1920.]

[*The Advocate General; Rao Saheb H. D. Desai; the Vice-President; Sir Ibrahim Rahimtoola; Rao Bahadur S. D. Garud.*]

123A, and that the only difference between clause 123A and the original clause, 123 (b), is in matters of drafting.

The Honourable Mr. Purshotamdas Thakurdas has given the correct answer to the other objections which have been raised by the Honourable Rao Saheb Desai. The notice to be approved by Government may be confined to particular portions of a building and the Honourable Rao Saheb Desai, I think, may rest assured that he will not be prohibited, when he comes to the Secretariat, from smoking in any convenient place where he has been accustomed to smoke.

The Honourable Rao Saheb H. D. Desai:—I do not smoke at all.

The Honourable the Vice-President (Sir G. Carmichael):—I do not think I need add anything in reply to the Honourable Rao Saheb Desai because the Honourable Mr. Purshotamdas Thakurdas has given a satisfactory answer to him and I can assure him, with regard to Government officials, that any orders issued will be carefully observed. We shall also have ministers as members of Government in the near future and I think we may be confident that they too will observe the orders.

Bill read a second time.

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

Bill read clause by clause,

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

The Honourable Sir G. Carmichael moves the third reading of the bill.

The Honourable the Vice-President (Sir G. Carmichael):—I beg to move that the bill be now read a third time.

Bill read a third time.

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

A BILL TO PROVIDE FOR THE CONSTITUTION OF VILLAGE PANCHAYATS (BILL No. XI OF 1919).

The Honourable the Vice-President (Sir G. Carmichael):—A Bill to provide for the constitution of village panchayats (Bill No. XI of 1919). The Honourable Sir Ibrahim Rahimtoola.

The Honourable Sir Ibrahim Rahimtoola:—Mr. President,—Since this bill was introduced for the first time and up to very recently many representations have been received by Government from a large number of villagers asking that the bill should not be proceeded with till they have had an opportunity of examining its provisions in the vernacular, so that they may be able to make their representation to Government in connection with it. It so happens that the vernacular translations of the bill and of the report of the select committee were published within the last few days and Government do not wish, in such an important matter, to rush through the bill without giving the villagers an opportunity of a free discussion and representation. For that purpose, they have decided that the bill should be postponed. I hope honourable members will recognise that it is eminently desirable that the village community, to which this measure directly applies, should not remain under the disadvantage of not having had an opportunity of representing their views to Government for consideration. For these reasons, I beg to ask, sir, that the bill be postponed.

Further consideration of the bill was by leave postponed.

The Honourable Rao Bahadur S. D. Garud:—Mr. President,—Am I permitted to say something on this motion?

The Honourable the Vice-President (Sir G. Carmichael):—I cannot allow the honourable member to say anything on the motion. Under rule 6 I have power to allow the postponement.

A BILL TO AMEND THE BOMBAY DISQUALIFICATION OF ALIENS ACT, 1918 (BILL No. I OF 1920).

The Honourable the Vice-President (Sir G. Carmichael):—Bill to amend the Bombay Disqualification of Aliens Act, 1918 (Bill No. I of 1920). The Honourable Sir Ibrahim Rahimtoola.

ALIENS DISQUALIFICATION BILL—LAND REVENUE BILL.

[16TH MARCH 1920.] [*Sir Ibrahim Rahimtoola; the Vice-President; Mr. G. S. Curtis; Mr. C. V. Mehta.*]

The Honourable Sir Ibrahim Rahimtoola:—Sir,—Honourable members will remember that this legislation was undertaken recently and it was the intention to disqualify aliens from taking part in all elections for local bodies. It has since been brought to the notice of Government that the bill disqualifies individuals only and that firms consisting of alien partners were not disqualified by it. The intention was to disqualify both individual and alien firms. This bill is introduced merely to rectify a drafting omission and does not involve any new principle. I beg, therefore, to move that the bill be read a first time.

The Honourable Sir Ibrahim Rahimtoola moves the first reading of the bill.

As no new principle is involved, I should like the honourable members to agree that the bill may be read a second and third time also.

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

Bill read a first time.

The Honourable Sir Ibrahim Rahimtoola:—Mr. President,—I beg to move, if honourable members have no objection to proceed with the second reading, that the bill be read a second time.

The Honourable Sir Ibrahim Rahimtoola moves the second reading of the bill.

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

Bill read a second time.

Clauses 1 and 2 were then severally put to the vote and carried. The preamble was then put to the vote and carried.

Bill read clause by clause.

The Honourable Sir Ibrahim Rahimtoola:—Mr. President,—I beg to move that the bill be read a third time and passed into law.

The Honourable Sir Ibrahim Rahimtoola moves the third reading of the bill.

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

Bill read a third time.

A BILL FURTHER TO AMEND THE BOMBAY LAND REVENUE CODE, 1879 (BILL No. II OF 1920).

The Honourable the Vice-President (Sir G. Carmichael):—A bill further to amend the Bombay Land Revenue Code, 1879 (Bill No. II of 1920). First reading. The Honourable Mr. Curtis.

The Honourable Mr. G. S. Curtis:—Mr. Chairman,—The object of this bill is to amend section 187 of the Land Revenue Code in order to allow of the recovery, as arrears of land revenue, of sums due from members of co-operative societies when the societies are under liquidation. The question of the method of recovery of arrears of co-operative societies is one on which opinion is sharply divided, but it has been generally admitted that when a society is under liquidation, the arrears should be recovered in as swift a method as possible. It is accordingly proposed to amend section 187 of the Bombay Land Revenue Code. Similar legislation has already been passed in Bengal and Behar and Orissa, and it was recently stated by a member of the Viceroy's Council that legislation applying to all India will be carried through when the general act (the Co-operative Societies Act) comes in for amendment. With these words, I propose that the bill be read a first time.

The Hon'ble Mr. G. S. Curtis moves the first reading of the bill.

The Honourable Mr. C. V. Mehta:—Mr. Chairman,—I have much pleasure in supporting the first reading of this bill. Speaking on behalf of the Bombay Central Co-operative Bank, I may say that some such provision of this character is badly required. At present, the process is extremely dilatory and the work of liquidation of the societies is largely hampered, and I think that, on the whole, the co-operative movement also suffers under the existing rules. It is therefore necessary, sir, that some more expeditious method be devised. For the present, at any rate, until section 42 of the Co-operative Societies Act is amended, this is the best way of procedure.

Bill read a first time.

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

The Honourable Mr. G. S. Curtis:—Mr. Chairman,—As the measure is of a non-contentious character, I beg to propose that it be read a second time.

The Honourable Mr. G. S. Curtis moves the second reading of the bill.

LAND REVENUE BILL—COTTON CONTRACTS BILL—EXAMINATION OF SECONDARY SCHOOLS.

[16TH MARCH 1920.]

[*Mr. G. S. Curtis; the Vice-President; Mr. D. V. Belvi.*]

Bill read a second time.

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

Bill read clause by clause.

Clauses 1 and 2 and the preamble were then severally put to the vote and carried.

The Honourable Mr. G. S. Curtis moves the third reading of the bill.

The Honourable Mr. G. S. Curtis:—Mr. Chairman,—I now beg to move that this bill be read a third time and passed into law.

Bill read a third time.

The motion for the third reading of the bill was put to the vote and carried.

A BILL TO AMEND THE BOMBAY COTTON CONTRACTS CONTROL (WAR PROVISIONS) ACT, 1919 (BILL No. III OF 1920).

The Honourable the Vice-President (Sir G. Carmichael):—A bill to amend the Bombay Cotton Contracts Control (War Provisions) Act, 1919 (Bill No. III of 1920). First reading. The Honourable Mr. Curtis.

The Honourable Mr. G. S. Curtis moves the first reading of the bill.

The Honourable Mr. G. S. Curtis:—Mr. President,—The object of this measure is to make it clear that no member, officer or servant of the Bombay Cotton Contracts Board and no member of any committee appointed under the board shall be personally liable for anything done in good faith under the provisions of the act. That is the object of section 5A. Section 5B, as drafted, provides that the board shall not be liable for any loss or damage arising out of any wrongful act or omission on the part of any person in their employment. This section was originally inserted in the bill, as it was understood that the board felt it probable that they would be unable, through want of funds, to meet claims arising, as above stated. It has since been represented by the board that there has been a misunderstanding and that the funds at their disposal are ample to meet claims of the nature contemplated in section 5B. Government have, therefore, on further consideration, decided to drop section 5B and the bill will consist of one section only, section 5A. I now propose, sir, that the bill be read a first time.

Bill read a first time.

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

The Honourable Mr. G. S. Curtis moves the second reading of the bill.

The Honourable Mr. G. S. Curtis:—Mr. President,—The bill as modified as I have suggested will, I submit, be of a non-contentious character and I, therefore, beg to propose that it be read a second time.

Bill read a second time.

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

Bill read clause by clause.

Clause 1 was then put to the vote and carried. Clause 2 (with the omission of sub-clause 5B) and the preamble were then put to the vote and carried.

The Honourable Mr. G. S. Curtis moves the third reading of the bill.

The Honourable Mr. G. S. Curtis:—Mr. President,—I now beg to propose that the bill be read a third time and passed into law.

Bill read a third time.

The motion for the third reading of the bill was put to the vote and carried.

DISCUSSION OF MATTERS OF GENERAL PUBLIC INTEREST.

The Honourable the Vice-President (Sir G. Carmichael):—Resolution No. 1. The Honourable Mr. Belvi.

The Honourable Mr. D. V. Belvi:—Mr. President,—The resolution which I crave permission to move runs as follows:—

"This Council recommends to His Excellency the Governor in Council to be pleased to direct that the Educational Department should examine annually each class in Government Secondary Educational schools in all the subjects prescribed therefor by the Department."

I may state to my honourable colleagues the reasons which have actuated me in bringing forward this resolution for discussion in this Council. Recently, a change seems to have

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[16TH MARCH 1920.] [*Mr. D. V. Belvi.*]

been introduced by the educational authorities in this Presidency, so far as the inspection of secondary schools and also so far as the inspection of primary schools are concerned. When I was a schoolboy, I remember that there was an annual examination held both in the primary school and also in the secondary school. The result was that, in the case of boys in primary schools, particular care was taken by schoolmasters to see that the boys were ready in the several subjects in which they were to be examined by the inspector or the deputy educational inspector or by an assistant deputy educational inspector. There was such wholesome fear working on the minds of schoolmasters that the boys were kept ready in all the subjects and the result was, in my opinion, very salutary. At present, all this fear has disappeared. The schoolmaster has simply to see that the boys are ready when they are inspected, sometimes by the inspector and more often by the deputy educational inspector, once or twice in the course of a year, and what is most curious is that the task of examining the boys in each class is now entrusted to the very schoolmasters who are the teachers of those boys. This system is common both to primary schools and to secondary schools at present. It is true that my resolution does not cover the large number of primary schools and is intended to apply only to secondary schools. I want to narrow the limits of my resolution still further by saying that it should apply only to Government secondary educational institutions. My contention is that, so far as Government secondary schools are concerned, at any rate, there should be an annual examination by the authorities of each class in the whole of the curriculum prescribed for that class. I may be told that the number of schools has now very largely increased and that the educational authorities will find it impossible to examine each class in every subject even in secondary schools. But I do not think this is a very valid objection. I have had the objection stated to me by some gentlemen with whom I had the pleasure of discussing the question. To me it seems that Government secondary schools are intended to operate as model schools. At any rate, in these schools there should be a regular annual examination by the educational authorities and the examination should be comprehensive and complete in each subject prescribed in the curriculum for each class.

I do not find that the number of Government high schools has perceptibly increased in recent times, but I find that the number of assistant educational inspectors has considerably increased. A reference to the two appendices " D " and " W ", published among the papers that were laid on the table of this Council on Saturday last, will satisfy my honourable colleagues as to the extent to which the number of assistant deputy educational inspectors has been raised. My honourable colleagues will find that, whereas formerly in almost every one of the districts of the Presidency there was only one assistant deputy educational inspector, at present there are, in some districts, so many as 7 assistants to the deputy educational inspector. I do not think that I need weary my honourable colleagues by reading the figures in the case of each district, because all that information is to be found on page 3, appendix " D ", among the papers to which I have already alluded. My honourable colleagues will thus see that, so far as Government secondary schools, or, to be more accurate, Government high schools are concerned, there should be no difficulty whatever in examining annually each one of them.

I may, perhaps, be told that most of the time of these deputy educational inspectors and their assistants is occupied in inspecting the large number of schools in the rural areas. That is perfectly true, but I do not believe that it is very difficult to arrange for an annual examination of a Government high school, which is mostly located in the headquarter town of each district, and this annual examination should be substituted for the occasional and very indifferent inspections which are at present carried out. I know that I shall be told that the schools are formally inspected by the inspectors, and sometimes—very rarely indeed—by the Director of Public Instruction himself. But I know the kind of inspection that we have had. The inspection, to put the matter bluntly, is more farcical than serious. I do not know of any inspection under which a whole class is ever systematically examined. The inspector looks at the boys or girls of a class and all that he wants to satisfy himself about is whether they present a neat and tidy appearance. The second thing which may attract his attention may be the kind of instruction that is given, and in this connection he puts one or two questions to one or two pupils in a class and he is satisfied. If he wishes to go into the details in any particular class, which he does not generally do, it is open to him to examine the whole class, but, so far as I know, I have not come across a single case in my own district, in the high school at Belgaum, where an inspector was pleased to examine a whole class in one or two subjects, and the Council may well imagine the inevitable effect of this kind of indifference on the part of the educational authorities.

I know that I shall be told that an annual examination is held by the head-master and also by the assistant-masters in a Government high school. But I should ask my honourable colleagues to consider whether it is right to leave the business of examining the boys to the gentlemen who have the privilege to train them. Unless I see that there is some revolution in the constitution of the human mind, it will not be hard to believe that these school-

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masters must be partial to their pupils more often than not. It is not as if the teachers in one school are asked to examine the boys or girls in another school. As I said, this business of examining the pupils and of promoting them to higher classes is entrusted to the very persons whose work is under examination. It is not very safe, indeed, to entrust to their hands a responsible business like this.

The matter becomes all the more serious when we see that this novel system has been recently extended even to primary schools in rural areas. The schoolmasters who have to work in vernacular schools are men of very limited means, and, from my point of view, of limited education too. The guardians and parents of children living in rural areas are naturally anxious that their sons or their daughters should be promoted. They are not in a position to examine their boys themselves; many of them are illiterate. The parents try to curry favour with the schoolmasters in a hundred ways, but I need not detail the different ways in which this is done. Those of my honourable colleagues who have had the privilege to spend some months in a village, as I do spend every year, will agree with me when I tell them that schoolmasters are favoured by the villagers in more ways than one, and it may be out of this consideration or it may be out of the fact of their self-interest that many boys and girls are promoted to higher classes without any guarantee whatever that the boys or girls who are promoted have undergone the training which they are expected to undergo. This applies *mutatis mutandis* to boys and girls in Government high schools.

What I advocate is that the educational authorities should be asked to examine the boys and girls in Government high schools systematically, as they used to do in former times. I should like to hear what the Honourable the Director of Public Instruction has to say in reply to my resolution, and I shall await the discussion of the subject matter of this resolution with interest, and whatever remarks I have to make I shall make in my reply.

The Honourable Mr. R. P. Paranjpye:—Mr. President,—I am afraid that ordinary persons like my honourable friend Mr. Belvi moving resolutions upon the technical management of educational matters are led on by theoretical considerations rather than by what is actually practicable. This resolution, like another one that he moved some time ago, is a good illustration in point, and the resolution that he has brought forward to-day seems to me to be both impracticable and inadvisable.

Let us consider, first of all, its impracticability. He has told us that the number of inspectors and their assistants has considerably increased during recent years and, therefore, that they can well cope with the work of this examination that he desires. Remember that ultimately it is not the annual examination of boys only in all secondary schools that he aims at; he aims at also the examination of boys in all primary schools. Now, that, in my opinion, is an exceedingly large order, and I do not know how much inspecting and examining staff will be required to do this work. But, restricting ourselves for the moment to the question of secondary schools and Government secondary schools, let us see whether even this limited object is practicable in the present circumstances. When he tells us that the number of inspectors has increased largely, I take the example of a single division under the control of one inspector, namely, the Central Division, which also includes Bombay city. There is only one educational inspector for this division. We are told that Government will soon have another, but at present there is only one inspector, 39 assistant inspectors and 8 Muhammadan assistant inspectors. These are the number of people at the disposal of the Educational Department. Now, you have got to understand that the transference of the boys from one standard to another has to take place ordinarily during about one particular fortnight of the year. Practically all the annual examinations of the schools are held within the course of a fortnight in the whole of this Presidency, certainly in the whole of this division. There are about eight or nine Government high schools, and the total number of students in these high schools would not be far short of 4,000. The number of papers that will have, therefore, to be examined by these inspectors will be something in the neighbourhood of 20,000, and remember that all these 20,000 examination papers will have to be examined practically within the course of a fortnight because you cannot keep the students of these schools hanging for two or three months before being promoted, as they will have no work to do. All this work has got to be done at very great pressure indeed. In fact, even in schools where the teachers themselves are examining the boys, the pressure of the annual examination is very hard. All the results have got to be brought out within a week at the utmost, and I would put it to the Honourable Mr. Belvi whether these 20,000 papers, coming from all parts of the division, can be properly managed by these 40 men at the disposal of the Educational Department. I think that it is an altogether impossible proposition indeed. He has told us that after all it is a question of the human factor. If the schoolmasters are men, I expect the inspectors and assistant inspectors are also men. If the schoolmasters cannot be trusted to do their work properly, I do not know that we are going to have these inspectors from some other part of the world rather than our Bombay Presidency. The work of the examination, further, is so awfully boring and monotonous

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that only those who have got experience of that work can realise its exhausting nature. Now, to put upon these inspectors all this work is, to my mind, to ensure most certainly that it will be done far worse than it is actually done by the teachers in the schools.

The Honourable Mr. Belvi has asked us to confine his resolution to Government schools. But, if he looks at the number of recognised schools in the Presidency, he will find that the number of Government schools is something in the neighbourhood of 30. There are other schools in the Presidency, which are private schools, and his resolution does not touch them. At present, a large number of these private schools flourish on the leavings of the Government schools. Many of these take up students who are declared, to a certain extent at least, unfit for Government schools. One knows exactly how the ordinary Government regulations are evaded by various sorts of subterfuges. For instance, in the case of a Government high school, if any of the conditions as to the promotion of a student are not fulfilled, the Department will come down upon the school. One knows that some of these boys who are not promoted are often taken up in the private school on probation for a short time, and after a month or two the head-master promotes these boys. What will happen if these examinations are much more rigorous in Government schools is that there will be a tendency for the boys to leave the Government schools and enter private schools.

Then, there is the question whether the reform, even if it be possible, is desirable. The educational opinion of the present day is almost unanimous on the point that the examination of the students should be generally conducted by the teachers themselves. The teachers know what the boys have been taught, how the boys have been taught, what particular points have been emphasised and what particular points have not been emphasised. I quite admit that, if a man does not want to do his work, he might slur over it. But, all the same, not only in schools in this country but everywhere the trend of educational opinion is to have this examination generally in the hands of the teachers themselves. In the universities of all countries there are even distinct rulings that the examination is most easily and efficiently conducted by internal examiners, and that occasionally external examiners are to be associated with them. The prevailing idea is that the promotion of students and the giving of marks of recognition to them should be done by the teachers themselves and I think that this is, on the whole, the right policy. We quite understand that occasionally there may be teachers who may not be doing their work properly, that they might put questions to their boys which they know very well, so as to bring out very good results. But, all the same, the way to remedy this is not to take all the work out of the hands of the teachers but to have more rigorous supervision over these examinations.

There appears to be a good deal of misconception between inspection and examination. They do not mean the same thing. As regards inspection, what might be done by the inspector is to go over a class. If the inspector is conversant with his business, he will find out the actual state of affairs in a class very much faster than a stranger, who only occasionally visits a school, will be able to do. He will ask a few of the boys presented to him to read a few sentences and he will choose his own boys and not those presented to him by the master and he will be able to find out how the class is progressing much more quickly than an ordinary man who is not conversant with his work. The inspector, for instance, goes and sees the teacher teaching the class. There, again, if a man does not know his business, the teacher will easily deceive the outside visitor. He will generally take a lesson which the boys know perfectly well and will thus leave a very good impression on the inspector. But the inspector who knows his business will not fall a prey to these subterfuges. By these means I think the inspector will be able to get a good knowledge of the general progress of the school, and that is what we expect the inspectors to do. The inspector even now occasionally sets to the boys in a particular class a few questions, takes the answers from them and the next day finds out what the boys have done and how they have fared. Again, he can easily find out from the high schools whether promotions from the schools have been properly made or not. If my friend the Honourable Mr. Belvi has got a complaint to make against the inspecting officers, he ought to bring to the notice of the Director of Public Instruction that the inspection is not done properly. But to ask them to do the work of examining each class—the papers of so many boys in a school—is, I think, impracticable and also inadvisable.

In the first place, the teachers will always be on the look-out as to what questions the inspectors are likely to ask. They will slur over those parts of the subjects in which the inspectors are not likely to ask questions. I do not say that examinations are altogether to be avoided. They are occasionally necessary. But everybody recognises that examinations are a necessary evil, and it is not right that we should emphasise or increase the evil

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more than is absolutely necessary. I, therefore, do not think that this resolution ought to commend itself to this Council.

I have already spoken about private schools. The Honourable Mr. Belvi hinted at some underhand practices of the teachers. The teachers are apparently amenable to bad influences in making promotions of boys. He did not make an accusation in the most direct terms but he apparently left such an impression on the minds of some members of this Council. Now, I do not say that such things do not exist. Mishaps will occur in the best regulated families. But the remedy is not to take away all the work from them, but to see that the work which they have got to do is done properly. In this connection I might say that there is a grave responsibility attaching to the guardians themselves. At present, the guardians think that all their work is finished if only they pay the fees of their boys and do nothing else. They do not even take the trouble of signing the progress books of their boys when sent to them. They even ask whether they are compelled to sign a book of that nature. They do not make inquiries, even for their own information, how their boys are getting on in schools. No doubt the boys ought to get all their schooling in their schools, and I certainly think that private tuition is the most undesirable thing in the world except in very exceptional cases. Guardians should keep a sharp look-out as to the way in which their children are studying. The children, at any rate, should feel that their guardians are taking interest in their education, and that everything is not left to the teachers. They should see that their children are making proper progress and, if there is anything wrong, they ought to complain to the authorities that such and such things are not being done properly. On account of all this, therefore, the guardians have got to be wide-awake.

For these reasons, the resolution that has been brought forward by my honourable friend ought not to be accepted by this Council. There are other means of improving the inspection, and, if my friend had brought forward a suggestion for improving the quality of inspection, there might be something to say for it. I do not mean to say that the inspection is an ideal one. All the same, the resolution is one which ought not to be accepted by the Council. (Hear, hear.)

The Honourable Dewan Bahadur K. R. Godbole :—Mr. President,—I might tell the Council that in old days, about 50 years ago, I was a schoolmaster for some time, (hear, hear), and I know what the educational inspectors did in those days. We had an inspector at that time — I think Major Waddington was his name. When he went round visiting high schools and examining them, he spent over a week in each school. He examined each pupil in the subjects that he took up,—he took up English and mathematics in those days,—and he assessed marks in the case of each pupil. He examined all the 300 or 400 boys of the school in the course of 6 or 7 days and he made the deputy educational inspector of the district and his assistants conduct the remaining examination on the same lines. The inspection of a high school in those days was thorough and efficient. Such inspections and examinations are what my friend the Honourable Mr. Belvi apparently wishes to have in these days. I think, however, that when we have got experienced head-masters and trained teachers, such as man present-day schools, the educational inspector need not spend much time in examining the classes; the work of examinations and the promotion of boys can very well be entrusted to the teachers and the head-masters themselves.

What I want the educational inspectors to do in these days is to pay more attention than they are doing to the primary schools in their charge. I find that, in the case of many of the primary schools, the only inspecting staff that the teachers are aware of is the deputy educational inspector and his assistants. The educational inspector and the Director of Public Instruction are unknown. This is not proper. The educational inspector must move about in his districts; he should be relieved to a certain extent, if necessary, of work in connection with high schools. The high schools can be left very well to the present staff, but the primary schools should have more attention from the educational inspector than they are receiving at present. I find that, in the case of many of the primary schools, they are manned by men who are most. . . .

The Honourable the Vice-President (Sir G. Carmichael):—Might I draw the attention of the Honourable Dewan Bahadur Godbole that secondary educational schools is the question under discussion and not primary?

The Honourable Dewan Bahadur K. R. Godbole:—Yes, what I want to drive at is that the educational inspector, instead of being asked to examine high schools in the way in which the Honourable Mr. Belvi wants him to examine them, should be relieved of this high school examination work to a certain extent and should be asked to pay attention to schools in rural areas.

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The Honourable Mr. J. G. Covernton:—Mr. President,—I waited for the Honourable Mr. Belvi's resolution with some curiosity, as it has been pending for several months and it was postponed from last session. I have all this time been trying to conjecture what grounds could be found to support this proposal which I consider to entail an extremely retrograde procedure. Now we know what he has to say about it and I must admit that I cannot agree with him.

The Honourable Mr. Belvi has made a certain number of errors in his statement and he is entirely wrong, utterly and absolutely wrong, on the general technical educational point. How wrong he is has been shown admirably by my learned friend the Principal of the Fergusson College (the Honourable Mr. Paranjpye). In fact, the Principal of the Fergusson College has left very little ground for me to cover, but I venture to put certain details before this Council.

I may, first of all, take a certain statement made by the Honourable Mr. Belvi in regard to which I fear I must say that he is quite wrong in his conception of the matter. The Honourable Mr. Belvi implied that the present system of inspection was quite new and he said that, in his days, it was never heard of. Well, I do not know whether my recollection goes back as far as the Honourable Mr. Belvi's but, unfortunately, it goes back to a certain extent and I can tell the Honourable Mr. Belvi that this is not a recent change. I remember perfectly well, when I was educational inspector in Sind, being one of the first to advise the change. When I went to Sind—roughly speaking, it was somewhere between 1898 and 1900—I was obliged to examine the three Government high schools in Sind in practically the same way that the Honourable Dewan Bahadur Godbole has ascribed to Major Waddington. I do not know what Major Waddington thought about the process but I have a clear recollection of what I did. I sat down and wrote a report to the Director of Public Instruction and pointed out the defects and futility of the old system. I do not wish to take either the credit or the discredit of the new system entirely to myself, but a change was made not long after. In 1901 the matter was gone into by this Government and the Government of India and was discussed at a conference at Simla that year. It was then decided that the system of detailed examination by educational inspectors should be abolished and the present system of examination was introduced not only in this province but in most of the others, and it has been found to work satisfactorily. A revival of the old system would be extremely prejudicial not merely to the interests of the inspecting staff but also to the schools. The new system had already been tried in Great Britain and other countries for some years before it was introduced into India. I have two books here, one of which was written shortly after the introduction of the system in England, and the other book is a new book written last year which deals with the results in England. I should like to quote extracts from each of these books which will give honourable members a clear idea of the object and the results with which the new system was introduced.

"The beginning of the fundamental change was quietly introduced in 1894 by the substitution of the system of inspection instead of examination for infants' schools."

Then the writer continues:—

"This system of inspection was extended in the following year to all schools."

The writer was writing in 1897 and he adds:—

"The new order of things was welcomed with almost universally heartfelt approval by the teachers and soon received general praise from inspectors for its practical value as shown by its effects on school work. From this time the old order had definitely to change and give place to the new."

The other book is by a retired inspector of schools in England, one of the most experienced and level-headed inspectors that England has had the good fortune to possess and he writes as follows.

The Honourable Mr. B. S. Kamat:—Is that Mr. Newton's book?

The Honourable Mr. J. G. Covernton:—Yes, Mr. Newton's.

Mr. Newton in his book says:—

"The annual examination, which was strictly obligatory, involved very heavy work and many inspectors had very little time for inspection."

Mr. Newton then continues:—

"Every inspector who endeavoured to do justice to everybody was disheartened by the impossibility of his task. I think, too, that competent school managers were

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generally suspicious of reports and grants that rested on the shaky basis of annual examinations."

To proceed to other points in the resolution, I do not know why Government schools were singled out by the Honourable Mr. Belvi. He said in his speech that Government schools are model schools. If that is the case, why should he begin his reform with the model schools? But, apparently, he does not really consider them models. In this connexion, I should like to take this opportunity of publicly resenting, as strongly as possible, the Honourable Mr. Belvi's aspersions—I do not know if they were deliberate, but he cast a slur, and a gross slur, on the staff of our schools and on our inspectors. I do not believe that our Government head-masters and assistant-masters, as a rule, condescend to the practices which the Honourable Mr. Belvi hinted at. Even if they do, the inspection which the inspectors undertake is only too likely to catch them out. An inspector does not, as the Honourable Mr. Belvi implied, loaf into a school for two minutes and then loaf out again. On the contrary, he often spends days and days together in a Government school. He goes into all manner of subjects besides examination results and it is very unlikely that, if promotions have been wrongly made, the inspector will not detect them.

Now, as regards examinations, if persons undertake to carry on a school as teachers, they should be able to examine their students. In other countries it is usual for the school staff to examine its pupils and, if it is a public school, that is to say, a school which admits of an inspection by Government inspectors, it has to see that promotions are made properly on the results. A teacher is responsible for his class. He knows the boys in that class better than any inspector and it is only fair to him and his pupils that the ordinary annual examination should be held by that teacher.

The great defects which the system urged by the Honourable Mr. Belvi would entail have been emphasised quite correctly by my honourable friend Mr. Paranjpye and I think I need say very little more on that point, except that I would like to add this, that I am afraid a good many honourable members of this Council and a very large number of the outside public have only a very vague idea of the work of educational inspectors. An educational inspector is one of the hardest worked officers in the Presidency. Apart from inspection, he has a very large amount of office work. For instance, I may mention that the other day in Sind I found that the inspector's correspondence had reached the register number of something over 16,000. Now, such an officer has to look after all his office work as well as to undertake the actual inspection of many aided schools and, if you are going to put upon him the burden of examining Government schools in detail in every branch of the school work, then I say plainly that he will have no time for his other work which is equally important. To speak bluntly, the educational inspectors in that case will become so hard pressed that it will be impossible for them to cope with their work and the educational administration is likely to break down.

As regards what is really a side issue, which the Honourable the President has ruled as not relevant to the discussion before this Council, namely, the question of primary education, I do not wish to prolong discussion on that point. But I should like to say emphatically that I entirely sympathise with what fell from the Honourable Dewan Bahadur Godbole. It is, I think, one of the saddest results of the heavy pressure, under which the educational inspectors now suffer, that they find it very difficult, indeed, to get round the districts and actually visit in detail vernacular schools.

I remember, when I was inspector in the Central Division, Northern Division, as well as in Sind, I was not so hard pressed and I had time for tours of greater or shorter length, which were very useful from the point of view of general work as well as of the schools. Unfortunately, now the position has altered and the inspectors find it extremely difficult to go out in the districts and visit any large number of primary schools; however, if enquiries are made, you will find that inspectors do manage to see a certain number of vernacular schools. On the other hand, if I were to burden . . .

The Honourable the Vice-President (Sir G. Carmichael):—May I point out to the honourable member that he has already exceeded his time?

The Honourable Mr. J. G. Covernton:—It is impossible for inspectors to actually examine all the primary schools, but they do visit a certain number of them every year. I trust in the light of what the Honourable Mr. Paranjpye and I myself have said that this Council will not endorse the resolution.

The Honourable Sir Ibrahim Rahimtoola:—Mr. President,—My task is greatly simplified by the able speeches which have been made on the subject by the Honourable

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Mr. Paranjpye and the Honourable the Director of Public Instruction. I do not think that the Honourable Mr. Belvi could have realised, in advocating his proposal, that the course of reverting to holding examinations by outside authorities could not possibly be acceptable under present conditions. I do not wish to take the Council over the changes which have been made in the system during the last twenty years; but the fact remains that, as the Honourable Mr. Paranjpye so eloquently pointed out, the system advocated by the honourable mover is both impracticable and undesirable. There is only one new point which I should like to bring forward, and that is, whether the honourable member has clearly realised the effect on the students in the matter of their physical well-being. We all know, and the Honourable Mr. Paranjpye has already pointed it out, that the experts regard examinations as a necessary evil and efforts have been made in the past to reduce the number of examinations in the interests of the physical well-being of the students. The Honourable Mr. Belvi now wants that an examination by an outside authority should be held every year of a character which will mean a very severe strain upon the students. I do not think that there is any unanimity of opinion that examinations are really the best test for ascertaining the knowledge of students. We have heard a great deal about the cramming resorted to by students in order to get through examinations and experts have declared their opinion that, in the interests of students, examinations should be as few as possible.

Now, sir, we cannot say that under the present system there are no examinations, but the issue is between examinations by the teachers themselves of the students who come in contact with them every day of their student life and those by outside inspectors. I do not think it can be seriously contended that the strain upon the students comes to the same thing in both these cases.

The problem really is, whether these examinations by outside authorities should be applied to Government schools only. I do not know why the honourable mover wishes to restrict these examinations to Government secondary schools only. As the Honourable Mr. Paranjpye has pointed out, there are about seven times as many private schools as there are Government schools. Does the Honourable Mr. Belvi, if he really thinks that the system which he advocates conduces to greater educational efficiency, desire that all the benefits of this system should go to the few select students who go to Government high schools, while all those thousands of students who attend private secondary schools should be deprived of the benefit of that system? I take it that he has advocated the restriction to Government high schools because he feels that the cost of holding these examinations would be very prohibitive and that Government may be able to provide it, while proprietors of private institutions cannot do so. I cannot conceive that honourable members would advocate a course under which differential treatment is to be meted out in a matter which is recognised to be of educational efficiency for the student class. Sir, taking everything into consideration, it appears to me that the honourable member has misconceived the remedy which he wishes to employ and I submit that for the reasons so ably advanced by the previous speakers the Council should refuse to pass the resolution.

The Honourable Mr. D. V. Belvi:—Mr. President,—I listened with very great care to the interesting and animated debate which we have had over this resolution, but, before I reply to the points made by some honourable members, I must repudiate, with all the emphasis I can command, the baseless assertion made by my honourable friend Mr. Paranjpye who characterises the resolution as mischievous. The Honourable Mr. Paranjpye knows as well as I do that I do not stand alone in my view in the matter of these annual examinations but there are several educational experts who hold the same opinion. The other day the Honourable Mr. Paranjpye and I had an opportunity of discussing this resolution with a recently retired educational inspector of the Southern Division, and he did thoroughly agree with the view I advocate. Perhaps the Honourable Mr. Paranjpye and the Honourable Mr. Covernton are personally concerned, both being eminent educationalists, and they do not see the enormous harm that is being done to the cause of education by the new system, for the introduction of which the Honourable Mr. Covernton takes credit for himself. It is well said that by-standers see more of the game than the player himself. It is true that I have not been an educationalist myself, but I have had opportunities of seeing the kind of progress that is made by boys in high schools. If the Honourable Mr. Covernton pays a visit to Belgaum and sends for me, I could gladly accompany him to the Government high school there and point out to him scores of students who do not understand a syllable of the

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rules in the first Sanskrit book of Dr. Bhandarkar. Is he aware of this fact? Does he know what kind of instruction is imparted in that school? I do not mean to say that every schoolmaster is idle, nor do I say that the system at present followed is iniquitous. Education is now imparted on a large scale and it is likely that it will expand. It may be good in England or other countries that there are no examinations held, but we have to take into consideration the habits of the people of this country, the class of teachers that we have, and other circumstances. Because a certain system is considered very suitable in England it does not follow that the same should be transferred to India without any changes whatsoever. We are often told, in political matters, that what is good for England or other countries may not necessarily be good for India. Why should we not apply the same reasoning to matters educational in India? What is our actual experience here in the matter of these examinations? It may be very difficult for educational officers to examine thoroughly each class, but why not introduce at least some sort of examination? Why not examine boys of every alternate class? At present the real examination is held when a boy appears for the Matriculation Examination; the long period of time before he appears for this examination is spent in a slipshod manner. It may be true that some inspectors do actually examine classes in high schools; but does the Honourable the Director of Public Instruction know that there are other inspectors who visit a school and say "Well, Mr. Head-master, I hope your school is doing very well"?

The Honourable Mr. J. G. Covernton:—May I ask the honourable member to give me an instance?

The Honourable Mr. D. V. Belvi:— I do not think it will be right for me to name an inspector in public in this way.

The Honourable Sir Ibrahim Rahimtoola:—I think that this wholesale condemnation of the inspectors as a class is totally undesirable and highly objectionable in this Council, unless the honourable member is prepared to prove that his statement is correct.

The Honourable Mr. D. V. Belvi:—Mr. President,—I do not wish to make any accusation against the class of inspectors as a whole. I simply want to point out that such things sometimes do occur and my only intention is to make them impossible. I am asked why I do not include private schools in my resolution. My object is to extend the principle of this resolution to private schools also. I do not admit that the principles on which grants-in-aid are made at present to private schools are sound. The present method is a vicious system under which there are no salutary checks. I may be wrong in that view, but that is a view which I honestly hold.

Now, to come to the several points made against my resolution. The first point made against my resolution by the Honourable Mr. Paranjpye is that the resolution is impracticable and inadvisable. You may say that a considerably larger staff may be necessary if the resolution is to be complied with, but surely you cannot say with any show of reason that it is inadvisable.

Then I am told that an inspector might require one month instead of one day if he were to examine every class in every high school. I do not think that the illustration which the Honourable Mr. Paranjpye gave of the Central Division can help him to prove the proposition he lays down. It should not be very difficult for the inspectors and the deputy educational inspectors to examine these few high schools, say, in the course of a fortnight. There is no will to do it, because the supposition is that things are well managed by head-masters and assistant-masters. If that be so, why not abolish the posts of inspectors and the post of the Director of Public Instruction as well? If you have got such implicit trust or faith in your head-masters and assistant-masters, why should we impose any burden on the public exchequer for these officers if no supervision is needed?

Then I am told that it is a question of the human factor. Certainly it is. But I submit that it is necessary to provide for some sort of wholesome check. Do not place implicit confidence in the very men whose business it is to teach boys and girls. It may be very well in theory to say that a school-master is expected to know the merits and demerits of a boy and it is on his recommendation that the boy is promoted. But all the same there is this difficulty with which we have to reckon.

We are next told that guardians ought to be more alert. The Honourable Mr. Paranjpye, who resides in a district town, is not perhaps alive to the fact that out of every 100 boys that study in a Government high school, at any rate 50 of them come

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from the mofussil, and what is the educational status of the guardians and the parents of the boys who come to district towns for their education from rural areas? Are they in a position to see what progress their children are making in the school? I think it is too much to expect these guardians and parents to do it. Most of them are ignorant, many of them have not received English education, and they cannot possibly check the studies which their children are undergoing in a school. It is true that some parents do take an intelligent and keen interest. I may tell the Council, without any sense of adulation, that I do take an interest—and an intelligent interest I hope—in the education of my own sons whom I have to teach. I have to supply the defects in their education which are disclosed to me, and I see what kind of education they receive in a high school. If other members of this Council do not do it, let them try it. If they have got any spare time, I do not think it can be more profitably spent than in occasionally inspecting the lessons which their boys learn at school. I have no doubt that many of them will be undeceived if they care to spend their time in this way.

The Honourable Dewan Bahadur Godbole says that head-masters and assistant-masters are now trained men. Were they not trained men in the olden days?

The Honourable Mr. J. G. Covernton:—No.

The Honourable Mr. D. V. Belvi:—Even if they were not trained men, I can say from personal experience that most of them were abler than head-masters of the present day.

The Honourable Mr. J. G. Covernton:—What about the assistant-masters?

The Honourable Mr. D. V. Belvi:—They are trained now. But, even in the case of assistant-masters, if the Honourable the Director of Public Instruction cares to come to Belgaum, I shall show him the kind of pronunciation and English that is taught by these trained masters there. I hope he will not forget my request when he visits Belgaum next.

Then the Honourable Member in Charge says that the strain on the students will be increased. That is a hackneyed argument. As if boys have not to undergo any strain when the inspector comes to the school! I believe . . .

The Honourable Sir Ibrahim Rahimtoola:—Therefore add to it?

The Honourable Mr. D. V. Belvi:—Add to it only once. These boys undergo a regular examination only once in a whole year.

As I have stated, my principal object is to call the attention of this Council to the present unsound system which prevails in this Presidency. You are now extending education. But you do not wish to see that the education imparted is really sound and useful.

With these few observations, I commend my resolution to the Council. I know well that there is a difference of opinion on this point, and many of my honourable colleagues do not see their way to agree with me in this matter. All the same, I felt that it was my duty to ventilate this matter, and I believe that I have done it to the best of my ability.

The resolution was put to the vote and lost.

The Honourable the Vice-President (Sir G. Carmichael):—The Council will now adjourn till 3 o'clock.

The Council then adjourned for lunch.

After lunch.

The Council re-assembled at 3 p.m.

The Honourable the Vice-President (Sir G. Carmichael):—Order, Order. Resolution No. 2. The Honourable Rao Bahadur V. S. Naik.

"That this Council respectfully recommends to His Excellency the Governor in Council that Government be pleased to appoint a committee consisting of officials and non-officials to visit, if necessary, the different municipal towns, inquire, examine and report whether the taxes imposed by the District Municipalities in the Presidency are commensurate with the facilities and amenities of life afforded by them to their rate-payers; and to recommend the minimum direct tax which each municipality should levy having regard to the facilities and amenities of life it has been affording to its rate-payers, the programme of improvements which each municipality has in view and the paying capacity of the residents of the municipal area."

MUNICIPAL TAXATION.

[*Rao Bahadur V. S. Naik.*] [16TH MARCH 1920.]

The Honourable Rao Bahadur V. S. Naik:—Mr. President,—The resolution which I have given notice to move in this Council and which you were kind enough to just read asks Government to appoint a committee of officials and non-officials for two purposes; firstly, to inquire, examine and report whether the taxes imposed by the district municipalities in this Presidency are commensurate with the facilities and amenities of life they are affording to the rate-payers, and, secondly, to recommend the minimum direct tax which each municipality should levy, having regard to the facilities it has been affording, the programme of improvements it has in view and the paying capacity of its rate-payers.

At the outset I should like to state that my object in bringing this resolution before this Council is not to cast aspersions on the abilities of the different municipal boards in the matter of managing their own affairs or to fetter their discretion as regards the local taxation and improvements in the areas entrusted to them. I should further like to state that my object is not in the least to introduce any outside control or interference over the affairs of these municipalities.

The world is advancing rapidly in various directions, more improved sanitary and hygienic ideas are conceived, and appliances are invented and their advantages are brought to the notice of these bodies. The immediate necessity of driving away the illiteracy from the masses and of educating them morally, intellectually and in various other ways has been more appreciably realised by these bodies as one of their most important and primary duties, and it is essentially necessary that the resources of these bodies, who are responsible for the adoption of new and modern ideas and methods, should be more carefully scrutinised and every possible source should be tapped to find out funds to meet the cost of ever increasing demands. Without more money and greater resources it is not possible for these bodies to tackle big problems like water supply, drainage, town planning, free and compulsory education of the masses, introduction of sanitary and hygienic appliances on an extensive scale and various other things pertaining to the health and well-being of the rate-payers.

It is a fact and it must be admitted that none of the district municipalities in this Presidency have been discharging all the obligatory and discretional functions entrusted to them under Chapter VI of the District Municipal Act completely and in accordance with the modern ideas to the entire satisfaction of the rate-payers and the city fathers themselves, and thus do not require any more funds than what they now get for the local improvements. Although every municipality is spending its income to the best advantage of its rate-payers, a careful scrutiny of all the possible sources of its income is essentially necessary to see if more funds could not be found to meet the cost of ever increasing demands on its resources in the discharge of its obligations satisfactorily. The chief and certain resource from which the municipalities are authorised to raise their revenue is by the powers of taxation given to them under section 59 of the District Municipal Act. It is true there are also other sources from which revenue flows into the municipal coffers, such as from fees, rents, revenue from property, grants, contributions, etc. But these sources are dependent upon local conditions and circumstances and cannot be counted upon as sure and certain ones and the rate-payers are not responsible for their fluctuations. It is an admitted fact, and also beyond controversy, that local people should contribute towards the local improvements. Under section 59 of the District Municipal Act, there are 11 sub-clauses under which a municipality is authorised to levy rates and taxes and raise its revenue. In 10 out of these sub-clauses it has been specifically laid down by statute on what these rates and taxes should be levied, and in sub-clause 11 the municipalities have been authorised to levy such of the other taxes, the purpose, nature and object of which will have previously been approved by the Governor in Council. Under section 60 of the act these municipalities are required to select as many of these taxes as are suitable to them and levy the same, subject to such limitations as to rates as Government may think expedient. As per latest municipal taxation report available, *viz.*, the one for the year 1917-18, there are 155 municipalities constituted under the District Municipal Act, out of which 2 are temporary and 153 permanent ones. Taking into consideration the cases of only these permanent municipalities, it will be found that out of 10 specified heads, under which the municipalities can impose taxes and raise their revenue, 2 municipalities have been raising revenue by having recourse to the taxation under 7 heads, 15 under 6 heads, 24 under 5 heads, 40 under 4 heads, 21 under 3 heads, 23 under 2 heads and 18 under only 1 head. Under sub-clause 11 of section 59, by the authority of which these municipalities can levy certain other taxes, with the previous sanction of the Government as to the nature and object of

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these taxes, only 1 municipality is taxing under 5 such heads, 2 under 3 heads, 9 under 2 heads and 31 under 1 head. Thus, it will be seen that most of the municipalities are not raising their revenue under many of the heads of taxation they are authorised to levy. I am alive to the fact that the circumstances and conditions of these municipalities vary greatly, and the requirements of individual cases are quite different, and a common standard of taxation cannot be prescribed for them all. But the above facts disclose that a careful examination as to whether the taxation by these municipalities has been to their full capacity is essentially necessary. If we examine the rates of these taxes they vary so much in the case of different municipalities that a thorough examination into them, having regard to the local conditions and circumstances, is also necessary.

Amongst the various taxes enumerated in section 59, octroi is an indirect tax. It is no doubt a productive tax, and, being paid in small amounts, the effect of the payment is not generally perceived. The imposition of the tax is sanctioned by immemorial usage, and people are accustomed to it. It also possibly reaches a stratum of society in the towns which, by reason of poverty, could not pay any form of direct taxation. But the disadvantages from it outweigh all its virtues. It provides constant opportunities for fraud and oppression, owing to the necessity of entrusting large discretionary powers to a subordinate agency, and is greatly wasteful and, in many cases, it constitutes a serious burden on trade in general and, in particular on through-trade, notwithstanding the provisions made for refunds. It is beyond the purview of this, my resolution, to consider the relative merits of direct and indirect taxes, but it will suffice my purpose when I say that the evils of this form of indirect taxation are generally recognised and the United Provinces Government, after an elaborate and exhaustive enquiry, have decided that octroi is an objectionable and unsuitable tax, that the delays, trouble and expenses incidental to its collection, the opportunities for malpractices it affords, the heavy cost and other economic objections combine to make it an undesirable means of raising municipal revenue. Such being the nature of this indirect tax many municipalities, when they find funds from this objectionable source to meet a few of the obligations imposed upon them, are loath to raising further funds from direct taxation. Out of 153 municipalities in this Presidency, 46 municipalities raise their revenue by direct tax only, 104 municipalities both by direct and indirect taxes, and 3 municipalities only by indirect tax. The ratio between direct and indirect taxes in the case of these 104 municipalities is 1 to 1 or less than 1 in the case of 48 municipalities, 1 to 2 in the case of 22 municipalities, 1 to 3 in the case of 15 municipalities, 1 to 4 in the case of 4 municipalities, 1 to 5 in the case of 5 municipalities, 1 to 6 in the case of 1 municipality, 1 to 7 in the case of 1 municipality, 1 to 8 in the case of 2 municipalities, 1 to 13 in the case of 1 municipality, 1 to 17 in the case of 1 municipality, 1 to 24 in the case of 1 municipality, 1 to 28 in the case of 1 municipality, and 1 to 30 in the case of 2 municipalities. Thus in only 48 cases out of 104 the indirect tax is equal to or less than the direct tax, and in 56 cases it is more than the direct tax, being in a few cases as high as thirty times. These figures clearly prove that there is very great disproportion between direct and indirect taxes and a careful examination into the matter is essentially necessary. Again, on examination of the taxes levied by different municipalities, it is found that in Sind 21 out of 26 municipalities do not levy tax on houses and lands. The city fathers of these places in Sind must have realised the evil results of octroi and they must also be alive to the fact that, being a wasteful tax and costly to collect, it keeps out of the pockets of the poor people greatly over and above what it brings into the municipal coffers. It is also a very strange thing to find that in a city like Ahmedabad, which is the biggest municipality under the District Municipal Act, where property is so valuable and funds for improvements are greatly needed, the municipality does not levy tax on houses and lands owned greatly by well-to-do people within its walled area and is content with terminal and other taxes the burden of which falls mostly on poor people. The income from tax on houses and lands at Ahmedabad is only Rs. 84 out of a total income of Rs. 7,68,396 from taxation. It does not mean that these municipalities get sufficient funds from indirect and other taxes and do not require any funds from direct taxes, but it rather looks likely and probable that they are loath to raise their taxes simply on account of the unpopularity they may have to incur in their places by levying direct taxes on property. It is therefore necessary that an outside body like the one proposed by me should examine the question of taxation and prescribe a minimum direct tax either on property or any other taxable medium. There are also certain cases in which the rate-payers are complaining that the taxes they are paying are heavy and they are not getting in return as much benefit from their municipalities as they should do.

The taxation is required to be based on two things, firstly, on the paying capacity of the people, and, secondly, on the facilities and amenities of life a municipality affords

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or proposes to afford to its rate-payers. The paying capacity of the people is always a controversial question and a common rule cannot be made applicable to all towns. It differs so much from town to town that it is essentially necessary to examine the question more minutely in individual cases. It is also equally difficult to lay down a common rule of proportion between the taxes imposed and the amenities of life afforded in return for the taxes. If an independent body like the one proposed by me were to examine both these questions in different municipalities I submit that they can be able to say whether taxes raised by different municipalities are commensurate with the facilities and amenities of life afforded by these bodies to their rate-payers and thus both the rate-payers and bodies will be able to know whether their taxes are adequate or otherwise, judged by the opinion of this committee, based on comparison with various other municipal towns. It is often argued, and it might be argued, that these things should be left to the municipalities themselves, and outside interference is not necessary. In many towns we find people who want improvements such as increased and better water supply, proper drainage, better lighting, quicker and more effective removal of refuses, better roads, free and cheap education and medical relief and are even ready to pay higher taxes, those that want these improvements but are not willing to pay higher taxes, and even those that neither want improvements nor are willing to pay for them. Thus in some cases the opposition to the proposals for improvements and raising the taxes is both from within and without the municipality, with the result that in many cases there has been a complete stagnation of activities and improvements. The municipal wants are always growing and must always continue to grow and to find out more money to meet the growing demands it is essentially necessary that a thorough examination of the municipal taxation by an independent and outside body as the one proposed in the resolution should be made. I do not wish, and it is not my intention, that the municipalities should be hide-bound by the opinion of this committee in the matter of their taxation, improvements to be effected and the amenities of life they wish to give to their rate-payers, but the report of this committee, after careful examination of the question and the result of their inquiries, will be very useful to both the municipalities and to Government, to the former as a guide to increase or reduce their taxes and adjust the programme of their improvement in their towns and of the amenities of life to their rate-payers according to their income, and to the latter as a very important source of information as to how they should distribute the various grants which they are now distributing as doles, without any definite and fixed principles.

Now under the Reform Scheme shortly to be introduced, local self-government has been a transferred subject, and it is necessary to finance these bodies more liberally than before, and a preliminary survey of these bodies as to whether the local resources have been fully availed of is essentially necessary, and I submit that the scope of inquiry by the committee now proposed will cover such a survey.

In this connection I addressed all the municipalities of this Presidency, inviting their opinion as to whether their funds were adequate, whether there was any scope to increase or decrease their taxation, having regard to the facilities they gave to their rate-payers, and whether they liked to have the question of taxation and amenities of life afforded by them examined by an independent body. Out of 152 permanent municipalities that are now in this Presidency, only 63 municipalities were courteous enough to reply my inquiry, and all of these bodies are of opinion that the funds at their disposal are inadequate, and they have been greatly handicapped from carrying out further improvements for want of funds. Regarding the inquiry about taxation and the amenities of life, only 32 out of these 63 municipalities have been pleased to express their opinion, 22 are in favour of the inquiry being held by an independent and outside committee and only 10 in favour of the inquiry being held by the municipal members themselves.

From the above facts I think that there is a strong case for appointing a committee to inquire into the local taxation and amenities of life afforded by the different municipalities, and I move that this Council respectfully recommends to His Excellency the Governor in Council that Government be pleased to appoint a committee consisting of officials and non-officials to visit, if necessary, the different municipal towns, inquire, examine and report whether the taxes imposed by the district municipalities in the Presidency are commensurate with the facilities and amenities of life afforded by them to their rate-payers and to recommend the minimum direct tax which each municipality should levy having regard to the facilities and amenities of life it has been affording to its rate-payers, the programme of improvements which each municipality has in view and the paying capacity of the residents of the municipal area and place this resolution in the hands of Government and my honourable colleagues with the hope that it will meet with their sympathetic consideration and approval.

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The Honourable the Vice-President (Sir G. Carmichael):—Before discussing this resolution I would like to invite the attention of the honourable mover to rule 14 of the rules for the discussion of resolutions. It seems to me that, if the honourable member had availed himself of the privilege offered by this rule, he would have better consulted the convenience of this Council. This is not the first occasion on which it has been necessary to invite the attention of the honourable member to the existence of this rule.

The Honourable Mr. Harchandrai Vishindas:—Mr. President,—It seems to me that we are living in an age which has got great penchant for commissions and committees. As Tony Weller of Pickwickian fame considered " Halibi " as the most effective defence in any kind of litigation, so our age seems to think that committees and commissions can cure every evil under the sun. That being so, it behoves us, first of all, to see that we do not ride this hobby to its death and, whenever any proposal of this nature comes forward before us, I think it is our duty to carefully examine it and to see whether the appointment of a committee would do any good to the people and will serve any object that the appointment has in view, or whether, instead of doing any useful work, it will result in sheer waste of time. Judged by the light of these considerations, I am humbly of opinion that the committee proposed by the Honourable Rao Bahadur Naik will not serve any useful purpose but will result in sheer waste of time.

At the very outset I want to disabuse him of any idea that, as president of the Karachi municipality, I am shirking enquiry. I tell him that the Karachi municipality would have nothing to fear and nothing to conceal from such an enquiry. We have no objection to such a committee going into our form of taxation and the amenities and facilities of life that we offer. But I would beg of him to closely examine this question and see whether the recommendations of such a committee, if appointed, would be of any practical use.

Now, to begin with, I am afraid I shall have to say that the honourable mover has travelled a little beyond the scope of his resolution in the remarks that he has offered. He will pardon me for saying that, although he has devoted a good deal of labour on the statistics he has read to us, which deserves the highest praise, he has unnecessarily spent a great deal of time on the subject, because the object of the resolution, as appears from the wording, seems to be that the committee should inquire, examine and report whether the taxes imposed by municipalities in the Presidency are commensurate with the facilities and amenities of life afforded by them to the general tax-payer with which the statistics have nothing to do. The honourable mover has also gone beyond the scope of the resolution by telling us that municipalities impose direct and indirect taxes and by discussing the merits of such taxes.

Now, let us see what such a committee, if appointed, will do. It will be a roving and itinerant committee which will go round and examine the presidents and members and take their evidence and make a report to Government saying that such and such a municipality is imposing such and such a tax and such and such facilities and amenities are wanting. What can Government do if it actually saw that the municipalities have not done their duty and are not affording the tax-payer the facilities and amenities commensurate with the taxation? If you examine the provisions of the very chapter of the act from which the honourable mover has quoted sections, prescribing the procedure for the imposition of taxes, viz., Chapter VII, you will find that all the guarantees that he wants for the purpose of securing that the people are not over-taxed are laid down there and that there is no necessity of appointing a committee to ascertain whether the people get the facilities and amenities commensurate with the tax that is imposed upon them.

It is not possible for anybody to say whether a particular municipality is providing proper facilities and amenities commensurate with the taxes, as every municipality frames its own budget according to its wants and the budget gives the two sides of receipts and expenditure nearly balancing each other, and, when the municipality is obliged to levy fresh taxation, they invite objections from the public, who would be very brisk in objecting, if they had any valid objections, and then, also, to pass the tax only after Government have given their sanction.

The honourable mover said that there are certain municipalities who are not imposing direct but only indirect taxation. I quite sympathise with him in his disapproval of this course and in the trouncing he gave to the good people of Ahmedabad for evading direct tax if the charge is true. But the sponsor of that municipality being in this Council may give any answer he has to this charge. We in Karachi are imposing, however, direct taxes, wherever necessary, which we have only recently increased. I also agree that octroi should be discouraged. But that question does not come within the province of this

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resolution. It is doubtless true that there are certain municipalities averse to the imposition of a direct tax because it comes directly out of people's pockets, whilst the indirect tax is paid only occasionally and the ultimate consumer, who has in the last instance to bear the tax, does not see it or feel it. But, apart from that, to say that municipalities have not done their duty by not providing all these services which are necessary for the people and also which are demanded by the amount of taxation they are imposing, is a very large question which cannot be solved in this manner.

No doubt the object of the Honourable Rao Bahadur Naik, as he has explained, is to collect data for the new Councils which will shortly come into existence under the Reforms Scheme, so that we may know beforehand where we stand, but I do not think that the method suggested in the resolution is the proper one. I think the purpose can very easily be served by calling upon municipalities to furnish statistics which will serve for the guidance of the new reformed Councils. The scope of this resolution is very limited, and I submit that a committee appointed for this purpose will not serve any useful purpose at all.

I, therefore, oppose the resolution.

The Honourable Mr. C. V. Mehta:—Mr. President,—I did not quite catch the figures which the honourable mover gave as regards the enquiry which he addressed to various municipalities in the Presidency. At all events, he did not mention how many were in favour of having this enquiry. It seemed to me that only a few of the 152 municipalities replied to his request, but he did not go on to say how many were in favour of having this enquiry. At all events, Mr. President, it appears to me that it is somewhat difficult to believe that municipalities of their own accord will desire to have this kind of a committee of enquiry sit upon them and investigate the various questions that the honourable mover has put down in his resolution. Both on general grounds and on the ground of the impracticable nature of the enquiry, such as is proposed, I am afraid this resolution will not commend itself to honourable members of this Council. We know very well, sir, that we have always been asking for more direct election to these municipal councils and it seems to me that, if the inhabitants of the various municipal district towns are dissatisfied with the way in which their affairs are conducted, then it is in their own hands to improve matters by electing such members as will carry out their wishes and it is hardly necessary to ask a committee, composed, if you please, of officials and non-officials, to interfere in their affairs and to direct what shall be the minimum direct taxation to be levied and to say whether the amenities which are provided out of the proceeds of taxation are proportionate or not. Further, sir, it seems to me that, as the Honourable Mr. Harchandrai has pointed out, the enquiry can hardly be of a practical nature, and, even if you succeeded in arriving at certain conclusions, it would be extremely difficult for Government or anybody to frame directions which should be followed by various municipalities, even if they were desirous of availing themselves of the advice of such a committee. I think, sir, that, in the interests of municipal government, the more independence is given to the local bodies, the better it will be for everybody concerned. They should be left alone in determining the amount of taxation and determining what return they will give in the shape of services. The question of direct and indirect taxation is a vexed one and it must vary with the circumstances of each particular town, and no committee of the nature that is proposed can give any useful advice or opinion on such matters or frame uniform rules. I therefore think, sir, that the municipalities ought to be given all the liberty that they desire.

The Honourable Mr. B. S. Kamat:—Mr. President,—I endorse every word that has fallen from my honourable friend Mr. Harchandrai and also the Honourable Mr. Chunilal Mehta regarding this resolution. Being connected with the Poona municipality for a number of years and having had to attend the municipal meetings every week in connection with taxation and the progress of our amenities I think I may safely say that, although we are fully aware and conscious of our defects, still no committee of enquiry of the nature suggested in this resolution or a roving commission can be of any practical use to us. I strongly oppose this resolution on another ground as well. I believe it is no principle of local autonomy to ask that an outside body composed of officials and non-officials should go round the Presidency to tell or direct municipalities what minimum direct or indirect taxation they should have, what programme of amenities they should lay out and how they should distribute that programme over a period of years, and so on. I think it is absolutely against the principle of local self-government; I also believe that, even if a committee were given to us, it would be an impossible and impracticable task for this

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committee to, in the first place, suggest what should be the minimum direct taxation and, secondly, also to give any useful advice in laying out a programme of amenities to be afforded. Recently, I had occasion to look into the incidence of taxation for my municipality as compared with other municipalities in the Presidency; although we are conscious of our defects of taxation, still the only remedy that I can suggest to improve matters is to educate the people in municipal areas to a sense of their responsibility and to see that the public conscience is aroused to realise that they must tax themselves. In western towns people always expect that they should have certain amenities like tramway, drainage, or electric lights or gas lights, and such other things, and they realise that they must be prepared to tax themselves for all these amenities. But unless a higher standard of living is known to our people and the public conscience is aroused, it is no use an outside body like a committee coming and telling us that we must ask for electric lights, that we must ask for a tramway system, that we must ask for a drainage system, and so forth. I am afraid the Honourable Rao Bahadur Naik has entirely misconceived the very object of his enquiry and the remedy he has suggested cannot possibly be expected to accomplish what he desires. I therefore oppose the resolution.

The Honourable Rao Saheb H. D. Desai:—Mr. President,—I feel that the resolution proposed by the Honourable Rao Bahadur Naik is rather ill-advised and appears to me to be a distinct encroachment upon the domain of local self-government and completely at variance with the principle underlying it. Every local body is, under the law, left to work out its own mission, subject to certain powers of control which are provided for in the act, and there is no reason why we should interfere with the discretion vested in the local bodies and the local people with reference to their wants and with reference to the manner in which they should tax themselves to provide for those wants. I think that local development should be left to the local people, and they know best how they can make both ends meet and how they can find money best for their wants. I think, if such a committee were appointed, it would be widely resented by all the municipalities. Only if such a direct question were put to the municipalities as to whether they would like to be guided by an outside committee as to what taxation they should have, what amenities they should give, and so forth, everyone of the municipalities would have said "No, no; we do not want your interference; you had better mind your own business; we can look after ourselves". That is the position, and I do not think that, unless we want to interfere with local self-government, we ought to think of a committee like this. Particularly now that we are on the eve of reforms, all these questions will be in the hands of ministers and then there will be every occasion to consider this matter at the hands of the representatives of the people, and these things can be worked out quietly through a local government board, if at all it is considered to be a useful institution. But, at any rate, such a committee is out of the question at this juncture, and I should say at any juncture, because I would not like anyone from outside to come and tell us "You do this and you do that". I would say "We know our wants and how to provide for them. Who are you to tell us that this thing should be done and that should be done?" I, therefore, strongly object to this resolution.

The Honourable Rao Bahadur S. D. Garud:—Mr. President,—I rise to support the resolution that has been placed before the Council by my honourable friend Rao Bahadur Naik. The Honourable Mr. Harchandrai spoke rather lightly of the appointment of committees and quoted Mr. Pickwick. But I have not seen any single new policy initiated by Government without the appointment of a committee. A committee has the advantage of being able to take a detached and independent view of things and men who move in the routine of a particular department every day do not see exactly what is necessary to improve the working of that department, unless that working is examined from time to time by an outside body. They bring independent thought to bear upon the subject, and that helps a great deal. After all, the conclusions of a committee merely act as recommendations to Government. Government, again, get an opportunity to examine those recommendations, and only such of the recommendations as are approved by them and are not opposed by the public will have any chance of being put into actual practice. I, therefore, do not know why my honourable friends who represent so many municipalities should fight shy of an examination by an independent public body. Now we shall have the reforms introduced and we are also to be subjected, after ten years, to an enquiry by a committee. My honourable friend would perhaps wish that no such enquiry was ever held and that all the instalments of reform may come in without any enquiry at all. But I submit that it is not a reasonable attitude to adopt. I am myself a member of a municipality and I think an examination by an outside body like a committee would be very helpful and useful to the municipalities themselves in putting their house in order. Now, the Honourable Rao Bahadur Naik wishes

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to find out whether the taxes imposed by municipalities bear any direct proportion to the facilities and amenities afforded by them. I think this is a question which really requires consultation and examination. In some places, we find there is heavy direct taxation; in other places, there is very light direct taxation. Sometimes it is found that that light taxation cannot be disturbed because an influential electorate will not allow it to be disturbed. An examination by an outside body would be very helpful, indeed, and would strengthen the hands of such a municipality. It is not a very light matter or a very easy matter to recommend and get a proposal for taxation passed. I have some experience of that myself as a member of a municipality and I am sure other members too have similar experiences.

A direct tax may be very desirable, but it is, as you all know, generally resented by the public and sometimes by the house-owning population. In those cases, interference by Government is sometimes necessary, and it often comes and is found useful in increasing the direct taxation. I think that, even with the supervision which is at present bestowed by Government on the working of municipalities, the advice of an outside body would be very useful. I am, therefore, in agreement with the proposition which has been placed before the Council by the Honourable Rao Bahadur Naik, and I do not think it merits the opposition which has been shown to it.

The Honourable Mr. P. A. Desai:—Mr. President,—I must first thank the honourable mover of the resolution for the trouble he has taken in collecting the material for putting forward his proposition. (Hear, hear.) Unfortunately, as soon as he finished, our revered warrior, the Honourable Mr. Harchandrai, rose and put cold water upon all the efforts of the Honourable Rao Bahadur Naik.

The main ground upon which all the four gentlemen opposed the resolution is that they fear that, if any committee is appointed, the committee's decision or suggestions will interfere with the freedom and independence of the municipalities. That is the main ground on which the opposition has been based. Now, I do not know how the freedom and independence of the municipalities will be interfered with if suggestions are made by the committee after full enquiry. Of course, my honourable friends might be sick of the plethora of committees, but there are committees and committees. Another one of the main grounds which has been put forward in opposing the resolution is that there will be waste of time, waste of energy and waste of money. The honourable mover never proposed that the committee should consist of several officials and non-officials, that it should be an important committee like the Public Services Commission. That is not the idea at all. The committee may consist of one official and two non-official members or two official and one non-official member. The object is that the committee should visit the several places, look into matters and make suggestions. It is nowhere stated by the honourable mover that the suggestions ought to be accepted by Government, without closely examining them. It has nowhere been said that the municipalities will be bound by the suggestions of the committee.

I say it is a matter known to everybody that the present system is not desirable. There is no common rule; there is nothing to go upon. For instance, I say that as regards these taxes—the house tax, the conservancy tax, and the water tax—you will find that the same rule does not apply in all cases. Of course, difference there must be, according to the local conditions, but there ought to be something to guide us. I will give but one instance. I am the president of the Bijapur municipality, and its financial position is most undesirable. When His Excellency paid a visit to Bijapur, he gave me specific instructions to see that the municipal conditions are improved, and the only way to do it was by the imposition of taxes. Now, it is admitted that people are always averse to pay direct taxes. We wanted to raise the house tax, the conservancy tax, and the water tax, but there was strong opposition. But when we wanted to revise the octroi rate there was the very least opposition, because people do not like that money should go from their own pocket, although they do not mind others paying it. But whenever any proposal is made for raising the taxes the people exclaim "In the neighbouring town of Sholapur, a half inch pipe is taxed at Rs. 12 or Rs. 15; why do you want Rs. 18?" There is no answer to that. We simply say that we want the money. I say that, if these matters are closely entered into by the committee, of course, they will have to take into consideration the different local conditions, they may be able to find out something which is common, and may be able to give certain suggestions. If these suggestions appear to be sound to Government after close examination then Government might accept them and lay down some principles for the guidance of the municipalities. The municipalities, of course, would not be bound by the instructions, but the effect of that would be that those persons who want to raise the tax might say "Here are the suggestions, the matter has been closely gone into by a committee, and Government have

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approved of the suggestions ". That might give some satisfaction to the people who are to be taxed. But at present there is nothing to guide us. The general principle which is placed before us by the Government officials is that each department of the municipality should be self-supporting. They say that the water department should be self-supporting, the conservancy department should be self-supporting, and the house-tax department should be self-supporting. But our experience is that it is not possible. For instance, in Bijapur we have spent about Rs. 4,00,000 to Rs. 5,00,000 on water works, and each year we have to pay to Government Rs. 19,000 as an instalment of the loan taken from Government for the water works. In addition, we have to pay about Rs. 22,000 for the management of the water works. In all, we have to spend about Rs. 40,000 on this water item. Our income is about Rs. 1,20,000. Out of this about one-third has to be spent on one item, and it is impossible to raise this amount of Rs. 40,000 from the water tax.

I submit that, if all these questions are gone into by a committee, they might make certain suggestions, which would be very useful to the municipalities. I have, therefore, great pleasure in supporting the proposition for the appointment of a committee, which must be a small committee, so that there would be no great cost incurred by Government in this matter.

The Honourable Rao Bahadur G. K. Sathe :—Mr. President,—I congratulate my honourable friend Rao Bahadur Naik for the keen interest he takes in matters relating to local self-government. But I am bound to say that I do not see eye to eye with him on this subject, firstly, because of the impracticability of the suggestion which he has made and, secondly, because it entrenches upon the free action of the municipalities. When I say that, let me assure him that I am alive to the difficulties of the several municipalities and I am also conscious of the fact that everything that ought to be done is not being done by the majority of these municipalities. The question of taxation is always one on which people will have divided opinions. It is unpalatable and one has to convince not only the general electorate but also the members of the corporation as to the necessity for taxation. That more money is required cannot be disputed or denied; but is this the method of setting the house in order? The honourable mover asks, in the first instance, for a committee of officials and non-officials, to examine the present state of affairs and to recommend what minimum taxation there should be in each municipality. Has the honourable mover got any adequate idea as to the amount of work which this committee will have to do? I take it that there are 152 permanent municipalities in the Presidency, the income of which varies from about Rs. 20,000 to Rs. 12,00,000. Now, a committee like this will have to go over a wide area and to examine all these questions from the point of view of the capacity of the people living in local areas, from their standard of living and from the amenities of life which the committee might wish to extend to them or the people might wish to have for themselves. Such a kind of examination will not only take a very long time but I submit that the members themselves will not be in a position to advise each municipality on the merits of individual cases.

At present, there are officers of Government, for instance the Collector and the Commissioner, who examine this question of the adequacy or otherwise of taxation, and they bring to the notice of several municipalities that they are not taxing themselves as fully as possible. This action of theirs, though in some cases very justifiable, is resented, because, in the first instance, people are unwilling to pay more and, secondly, because they consider it as an undue interference on the part of the officials. That being the case, a committee of officials and non-officials would not be of any great advantage. Even assuming that a committee of wholly non-officials is appointed, still I think that this is a kind of work which has to be done by people who will do it as a labour of love. In fact, if you want to create a sense of responsibility of this character in the several municipalities and if you want to spur them up, a committee will not be of any use.

If the Honourable Rao Bahadur Naik is very anxious and keen on this matter, I would appeal to him that he should choose some gentlemen to associate with him, and, if he takes up this work as honorary organizers do in the co-operative department and he simply goes and advises people as to the way in which they should do their work and as to how they should improve their finances, such a programme is likely to prove far more successful than going into committee and asking it to make recommendations to Government.

Now, if we look at this question from the sentiment of the several municipalities which he was good enough to address, what is the result? Out of the 152 municipalities addressed only 63 replied; only 32 gave an opinion as to the suitability or otherwise of such a committee; 22 were in favour and about 11 were against it. Taking the total number of municipalities and ascribing the non-receipt of replies from some of the munici-

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palities either to their unwillingness to give a reply in the affirmative or to their indolence, the result is that we have only 22 municipalities who have expressed their willingness to such a committee. Comparing this number with the large number of the remaining municipalities, we can very well say that the general sense is against the appointment of such a committee.

My friend the Honourable Rao Bahadur Naik has entered into various other questions. I feel no doubt that the several municipalities will have to tax themselves more, if they want more benefits and if they want to discharge satisfactorily the obligatory duties imposed upon them by the statute.

My second objection is this. Why does the Honourable Rao Bahadur Naik want to commit this Council by bringing this resolution when the whole question of local self-government is to be given in the hands of a minister in a short time? It would very well have waited, and I would ask him to wait until a time when this department will be transferred.

The third point which I want to impress upon the members of this Council is this. Has he ever examined the genesis of this apathy for getting ourselves taxed more? We have two-thirds of elected majority in our municipalities. Even with the two-thirds elected, if we are not doing what best we can do or we ought to do, the only deduction is that the screw is loose somewhere; and, if it is loose, we are responsible for it. In all the city municipalities, at any rate, the most intelligent people are on these bodies, and I do not consider that they are not alive to a sense of their responsibilities.

The resolution will no doubt serve this purpose, that the several municipalities would know that here is a gentleman in this Council who is not satisfied with the work of the several municipalities. The result will be that they will be more alert and will show greater zeal in the discharge of their duties.

I do not intend to dilate upon the other parts of the resolution, but I do say that, though my friends the Honourable Mr. Desai and Rao Bahadur Garud were in favour of this resolution, they do not seem to have any idea of the magnitude of the work which is expected of this committee and the impracticability of appointing such a committee. I, therefore, oppose the resolution.

The Honourable Dewan Bahadur K. R. Godbole:—Mr. President,—I rise to oppose this resolution on more than one ground. I consider the resolution will achieve almost nothing and that the cost that will be involved will be practically so much money thrown away. The information that the proposed committee will be able to get is mostly available at present from the printed records, reports and the reviews of municipal administration that are published by Government from year to year. The cost of a committee like the one proposed by the Honourable Rao Bahadur Naik will run, I think, into thousands of rupees, and, in return for this cost and the time that the members of the committee will have to spend, we will be getting information which is already available from printed reports and reviews. I think, on the whole, that the committee will be a useless body. I, therefore, oppose this resolution.

The Honourable Sir Ibrahim Rahimtoola:—Sir,—I am very greatly attracted to this resolution by the thorough-going and comprehensive manner in which it has been brought forward. The Honourable Mr. Mehta and the Honourable Rao Saheb Desai were very angry at the subject not having been previously referred to the municipalities and strongly objected to such a committee sitting in judgment on the manner in which they have discharged their duties in the past. I can quite understand that they will not like this inquisition into their internal administration. In dealing with this subject I am reminded of a speech which Sir Stafford Northcote made in the House of Commons when he was a member of the Cabinet. He was referring to the case of a new member who had just been elected and who was most anxious to render all the service he could to the country. He did not know what subject to take up. Within a few days he was taking lunch at a restaurant and ordered some oysters. The waiter told him that he could not be served with oysters because oysters were scarce. Here was the subject readily available. He took it up at once and put an interpellation in the House of Commons asking the Minister in Charge why oysters were scarce. And lo and behold! the man found himself famous at once. He was named the honourable member for oysters. (Laughter.)

I congratulate the honourable mover for having evolved a similar new subject, and I think the honourable member is entitled to be called a member for municipal amenities. Let us examine what he wants. I want honourable members to go over the resolution which has been put before them in an elaborate speech and which has received the support

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of the Honourable Mr. P. A. Desai and the Honourable Rao Bahadur Garud. What is it that the honourable member wants? He says, "That this Council respectfully recommends to His Excellency the Governor in Council that Government be pleased to appoint a committee." So far it is all right. "Consisting of officials and non-officials to visit, if necessary, the different municipal towns." So far, also, it may be said to be all right. We can have a committee, the members of which will visit the different municipal towns. But what are the duties that are to be assigned to this committee? They are to "inquire, examine and report whether the taxes imposed by the district municipalities in this Presidency are commensurate with the facilities and amenities of life afforded by them." That is, they are to examine and report not what the municipalities want but whether the taxation that they levy is adequate to the amenities of life. Surely, I think it is obvious that, whatever amenities of life the municipalities are affording, they provide them out of the revenues obtained from the people. You do not want a committee to go and examine whether the taxes imposed by district municipalities in the Presidency are commensurate with the facilities and amenities of life afforded by them. They are either doing it, or they are taxing more and are not returning that taxation in the shape of amenities but pocketing the money themselves. I do not know what the honourable member really means, because if the administration, in money matters, of municipalities is honest,—they may make mistakes,—they would be returning the money received in the shape of taxation in the nature of amenities, unless, as I said, they are charged with misappropriating it. I do not think the honourable member, when he drafted this resolution, really intended to convey something of that kind.

Further, the honourable member recommends a minimum direct tax which each municipality must levy, having regard to the facilities and amenities of life it has been affording to its rate-payers in the past. This is the second issue. The municipalities are to be told that they shall levy a minimum of direct taxation in order to render the same amenities that they are rendering now. Why then this interference?

Then he says "The programme of improvements which each municipality has in view and the paying capacity of the residents of the municipal area." Now, sir, if this is not a tall order, I really fail to see what a tall order can be. How are the members of the committee to determine the paying capacity of residents of municipal areas of 156 municipalities, and then base their minimum direct taxation upon it? Does not the honourable member wish to have any indirect taxation whatsoever? Does he mean that the direct taxation to be imposed at such a minimum would cover the cost of all the amenities that are needed? The Honourable Mr. Kamat pointed out that some people may want not only water-supply, drainage and good roads, which are necessities, but also electric lights and various other comforts. What are this committee to do? Are they going to say that every municipality, in consequence of its living in the twentieth century, shall provide all sorts of comforts and that, in order that these comforts may be provided, it shall levy a minimum direct tax?

But let us accept all this as practicable. The honourable member goes on to say, and his supporters confirm him in that view, that a committee should be appointed. I wish honourable members would realise that a committee of this character will take several years to report, and, after all this expenditure of time and money, they will send in a report containing suggestions which are binding on nobody. Any binding character can only be given to them by legislation or by Government orders; but that would be interference with local self-government. Theirs will be mere suggestions only, to be accepted or rejected. I can conceive of no more impracticable resolution than the one which has been brought forward. If the honourable member had the courage of his convictions and had said "I want these amenities to be provided in the municipal areas; I want the people to be taxed; I want to lay down the minimum standard of comfort for them, for which they should be forced to pay the requisite revenue," it would have been a logical position to take up. But he does not do so. He merely says "Let this committee be appointed. Let it go over 156 municipalities, investigate all these elaborate details and make suggestions." And what is to be the fate of these suggestions? They are, I take it, to remain as suggestions only. They cannot be translated into action.

I think the time of the Council has been taken up by a motion which has no practical bearing and I trust the Council will reject it.

The Honourable Rao Bahadur V. S. Naik:—Mr. President,—I am very sorry that the fate of my resolution is almost already declared, and, in view of the strong opposition which it had, I would rather withdraw it.

The resolution was by leave withdrawn.

EXTENSION OF TALUKA COURTS AND LINKED COURTS.

[*The Vice-President; Mr. S. B. Upasani.*] [16TH MARCH 1920.]

The Honourable the Vice-President (Sir G. Carmichael):—Resolution No. 3. The Honourable Mr. S. B. Upasani.

"This Council recommends to His Excellency the Governor in Council that the system of taluka courts, and of linked courts, where necessary, be extended to all the districts in the Presidency so that the ryots may not have to go beyond the limits of their revenue talukas for their civil litigation."

The Honourable Mr. S. B. Upasani:—Mr. President,—The first part of the resolution which I beg to move proposes an extension of the taluka court system, a reform which was recommended by the Government of India and was adopted by our Government so far back as 1879 for the four Deccan districts in which the Deccan Agriculturists' Relief Act was introduced in that year. That reform was recommended by the commission which was appointed to inquire into the causes of the Deccan riots which occurred in 1875. That commission made a report which covered four volumes and the recommendations made by it formed the basis of the action that was taken by the Government of India in passing the Deccan Agriculturists' Relief Act.

So far as my present resolution is concerned, it will be sufficient if I only refer to the main grounds which were urged by the Honourable Mr. Hope in support of the necessity for the reform proposed in this resolution. He pointed out that the agriculturist debtors were placed at a great disadvantage with regard to the courts owing to not having sufficient facilities to make their defence. He urged that the agriculturists were generally illiterate, ignorant and far too poor to be in a position to engage pleaders to place their defence before the court and that, in the majority of cases, the decrees were passed against them *ex parte* and the creditors with their superior advantage of purse and intelligence had the legal machinery working all in one way in their favour. To meet this and to afford facilities for the debtors' appearance in courts for making their defence, it was proposed that there should be courts in every one of the talukas in the four districts in which the Relief Act was to be introduced and, for that purpose, the Government of India sanctioned 12 new appointments of subordinate judges for the required additional courts for those districts. It was, further, recommended that steps should be taken to place the courts as near the people's homes as possible to enable them to appear personally in each case for investigation of the claims and that in no case should the ryots be required to go beyond the limits of their own talukas for the administration of justice. This was insisted upon by the Honourable Mr. Hope in the interests of the illiterate agriculturist debtors and to secure a more rapid disposal of the court's work and at the same time to reduce the cost of litigation. These were points which he had particularly in view in recommending the reform. The Government of Bombay adopted the reform and then all the talukas in the four districts which came under the Deccan Agriculturists' Relief Act were provided with separate courts for each of them.

After some years' experience it was found that in some of the talukas there was not sufficient work to occupy the full time of the subordinate judge and then what did Government do? They introduced the linked courts system which is proposed in the second part of my resolution. Under it one sub-judge is put in charge of two talukas. But, at the same time, the subordinate judge was required to hold his court at the headquarters of each taluka by turns. The recommendation made by the Government of India, namely, that the agriculturists should not be required to go beyond the limits of the taluka for justice was thus respected and carried out even under this arrangement and this system has been in operation for over 30 years in the four Deccan districts in the talukas in which there was not sufficient work for a whole-time judge. More subsequently, however, when the Deccan Agriculturists' Relief Act was extended to the whole Presidency proper the principle of this recommendation of the Government of India was lost sight of and needful action was not taken to afford the required facilities to the ryots. In the absence of this provision the extension of the act to the other districts has entailed hardship on the poor agriculturists. Under this act they are required to be present in courts far off from their villages and, if they do not appear voluntarily, they are brought there under warrants.

Now, when the court happens to be located beyond the limits of their own talukas, the hardship to the ryots is greater. As a matter of fact outside the four Deccan districts the location of the courts was fixed more than 50 years ago and in accordance with the needs and conveniences of those times. Since then a great many changes have taken place in the local conditions and the administrative needs. Some of the talukas which were then backward have advanced, cost of litigation has increased and the value of time is far better appreciated now than in those days. Under the existing old arrangement some of the districts are very lucky in having courts for each taluka, whereas other districts are not

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equally lucky and some like my own (Khandesh) have been particularly unfortunate in having, instead of courts for each taluka, one court for two or three, and even five, talukas. This is a state of things which involves very great hardship to the agriculturist debtors and, therefore, I propose that there should be a court for each taluka, and, if that be not possible, at any rate a linked court, upon the principle recommended by the Government of India that the ryots should not have to go outside the limits of the revenue taluka for their civil work.

I hope the Council will bear with me if I quote to them a few figures. I need not refer more particularly to the four Deccan ditsricts which have been actually enjoying the benefit of these taluka courts and linked courts which I propose. In the Nagar district a subordinate judge holds his court almost in every taluka. The same is the case in the Poona, Satara and Sholapur districts. The latter has got seven talukas and five courts, of which two are linked. If you go to the other districts, you find that they are not all equally fortunate. In Gujarat, Broach has four civil courts for its five talukas and Amod taluka is alone without a court in that district. Ahmedabad, Kaira and Panch Mahals, which together form one judicial district, are not quite as fortunate. Between them they have about 12 courts for 16 talukas and 5 petas. Surat, on the other hand, has 4 courts for 8 talukas. Thana and Kolaba, which together form one judicial district, are more fortunate in having 11 courts for 16 talukas. Belgaum has 8 talukas and 5 courts.

The Honourable the Vice-President (Sir G. Carmichael):—I must ask the honourable member to have in view the amount of business before each court and not only the number of courts. If the honourable member will state the quantity of the business that each court does, it will be very enlightening.

The Honourable Mr. S. B. Upasani:—I will come to that, sir, in a minute. I will show that the number of courts that are provided is not based on the area or population, or even on the amount of litigation in the several districts, nor on the land revenue which the agriculturists pay to Government. Thus we find that my own district, West Khandesh, which has an area of 5,497 square miles and a population of over 5,80,000 and pays Rs. 21,51,000 as land revenue, has got only three courts for its 8 talukas while Broach, with an area less than one-third of West Khandesh and a population about half of West Khandesh, has got 4 courts for its 5 talukas.

Then, as to amount of litigation, I may state that East and West Khandesh together have a file of about 20,000 suits a year. This file of these two districts which form one judicial district is equal to the file of the three districts of Satara, Sholapur and Nagar put together and, while these three have 25 courts, East and West Khandesh together have only 9 courts. Now, going to the other districts in the Southern Division, we find that Belgaum, with a population of over 9,00,000, has got 3,637 suits and 5 courts for 8 talukas while Bijapur and Dharwar, with a population of over 8,00,000 and 10,00,000 respectively and files of over 3,000 and 4,000 suits, have got only 3 and 4 courts for 8 and 11 talukas respectively. Now, the result of this unequal distribution is that the subordinate judges in several courts are overworked and require assistance of one or more joint sub-judges to relieve the congestion of their files.

In 1913, Ahmedabad, Belgaum, Dharwar, Dhulia, Nasik, Ratnagiri, Satara, Sholapur and Thana required additional first class sub-judges and about 38 courts required second class subordinate judges for whole or part of the year. In 1917, 6 additional first class subordinate judges and 42 additional second class subordinate judges were required. This was hardly a satisfactory state of things. So far as the talukas in West Khandesh are concerned, it will be seen that 5 out of its 8 talukas, *viz.*, Nandurbar, Shahada, Taloda, Sakri and Navapur, which together cover an area of 3,581 square miles and have a population of 3,04,780, are placed under one court, *viz.*, Nandurbar. These talukas are populated by some of the most backward classes who are more illiterate and helpless to protect their own interests than any in the Deccan districts and in their interest in particular the facilities referred to by the Honourable Mr. Hope are far more needed than in the favoured Deccan districts. That being the case, is it not fair and just that the people of these talukas should also be afforded the facility of having courts for them nearer their homes and within the limits of their own talukas. At present those people have to go long distances from their homes with difficulty about roads and communications and having to cross hilly tracts. Now, as regards the East Khandesh district, people of Chopda, Raver and Jamner talukas have applied for additional courts for them and their demands are overdue. People of Chopda have to go 32 miles to the east to the Yawal court and 32 miles to the west to the Shirpur court

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between which that taluka is divided. People of Raver have also to go long distances to Yawal and they have to cross several rivers. That being the case, I think provision should be made for giving separate courts to these talukas. Now, both Chopda and Raver have enough work to occupy an additional sub-judge. I need hardly state that I have brought forward this proposal in the interests of the poor agriculturist debtors for whom this provision of additional courts was recommended 40 years ago. Bijapur and Dharwar districts also suffer like my district in the matter of this inconvenience. That being the case, I pray that Government will be pleased to do the needful for those districts also.

Another thing which I have to urge is that, if Government is pleased to extend this convenience to all talukas, sub-judges in the talukas which may not have sufficient work may be invested with criminal powers just to give help to the magistrates in the more important cases. At present a pleader has to run after a touring magistrate from taluka to taluka if he wants to conduct any case before him. Moreover, in talukas where there are no civil courts, there are no resident pleaders and the magistrates dispose of cases without the parties having the benefit of engaging pleaders, and, if they engage any, they have to pay far more than they would have to pay if the pleaders were available within the taluka. Thus my proposal, if accepted, will have the advantage of removing an inconvenience with regard to civil work and also as regards criminal work. And what is more important is that it will place the relations between the agriculturist debtors and their creditors on a fairer basis than they are at present and secure all the advantages for which this reform was recommended by the Government of India.

With these few words, I commend my resolution to the Council.

The Honourable Mr. P. A. Desai:—Mr. President,—I should like to support this resolution. The first question is whether, under the present system, any inconvenience is felt by the people of the districts. I will confine my remarks to my own district, Bijapur. There are 3 courts, 8 talukas and 1 mahal in Bijapur. Now, all these 8 talukas and 1 mahal depend upon 3 courts. The court at Bagalkot serves for 3 talukas, Bagalkot, Hungund and Badami, and the distance from the farthest end to the court house is about 50 miles. So a ryot who has to sue on a simple bond of Rs. 10 has to travel a distance of 50 miles because there is no court established within the limits of his own taluka. I, therefore, submit that there is a real want, because the necessity is felt, for such courts, and I submit that the resolution which asks for separate courts for each taluka, or linked courts, is very modest in its demand. The advantage of the linked courts would be this, that for some days the sub-judge will be in one station and other days he will be in other stations, and the difficulty and inconvenience, which is now felt by the ryots, of having to go to a distance of 50 miles would, to a very large extent, be obviated. I, therefore, support the resolution on these grounds.

The Honourable Rao Bahadur S. D. Garud:—Mr. President,—I have very great support to this resolution. This inconvenience is most felt in Khandesh, where, as the Council may be aware, the headquarters of the district is sometimes as distant as 50 miles from some places. In the Sakri and Sindkheda talukas this difficulty is most felt. It is exceedingly difficult to go to Dhulia, which is very nearly 50 miles distant. This difficulty will be removed if this resolution is accepted. In cases where a particular taluka does not give enough work to a subordinate judge, the difficulty can be solved by investing the subordinate judge with criminal powers.

The Honourable Rao Bahadur V. S. Naik:—Mr. President,—I have very great pleasure in supporting this resolution. In the first place, I would like to state the state of affairs in this respect in my district, namely, Dharwar. There are four courts in Dharwar district, namely, Dharwar, Hubli, Gadag and Haveri. Under Dharwar we have got four talukas, Dharwar, Kalghatgi, Navalgund, including Nargund peta, and upper ghat portion of Halyal taluka of Kanara district. Here three sub-judges are sitting. At Hubli two sub-judges sit and they have got jurisdiction over two talukas, Hubli and Bankapur. The Gadag court has jurisdiction over two talukas and a peta, Gadag, Ron and Mundargi (a peta). At Gadag, about five years ago, there used to be a joint sub-judge; at present only one sub-judge is sitting there, but I am informed that one more is proposed for that court. At Haveri, which has got four talukas under it, namely, Haveri, Hangal, Ranebennur and Kod, for the last ten or even more years, two sub-judges were sitting in this court. It is only during the last year or two one sub-judge is managing the work of this court, but I am told that an additional joint sub-judge has again been proposed for this court. So, when it is found that during the last ten years in almost

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every court there has been more than one sub-judge and when the litigant public have to go a great distance without railway facilities, I think separate courts for each taluka, or one for a couple of talukas at least, can be conveniently located. It is very hard that these litigants should have to leave their houses and to go long distances where the courts are situated, particularly at the time of their harvest and at the time of the agricultural operations. These agriculturists have to go to the courts and spend one full week, or even more, away from their homes, for the purpose of one day's work in the court and sometimes, on account of heavy work or other causes, their cases are not heard on the days arranged for and they are asked to come again. All this means very great harm and inconvenience to the agriculturists. I therefore think that, if possible, one court for each taluka, or at least linked courts in the case of those places where work is supposed to be light, is essentially necessary and I strongly support the resolution.

The Honourable Rao Bahadur G. K. Sathe:—Mr. President,—I have great pleasure in supporting this resolution. But I do intend to say that the wording which has been used in the resolution is not a very happy one. I am going to support the Honourable Mr. Upasani on general grounds and they are these. This question of the location of courts has not been gone into recently, at least during the last thirty years. During these thirty years litigation has increased and the circumstances of individual talukas have also changed. During the last ten years, at any rate, it has been found necessary by Government to create additional places of subordinate judges and to appoint temporary subordinate judges as additional sub-judges in the taluka courts. This question was referred to by me in one of my speeches on the budget debate. The effect of such an arrangement is that you get the work congested, which necessarily takes a longer time for the disposal of cases. The first essence in the administration of civil justice is that it should be speedy, less expensive and thoroughly efficient. We are not concerned here with the last point, namely, that of efficiency; but, as regards the two other points of expense and speedy disposal of cases, I may assure this Council that, if they intend to get more information on this point, they need only look at the reports of the administration of civil and criminal justice and they will find that original cases and appeals are delayed too long. Besides, if additional help is required to dispose of cases which are pending in one court, why should it not be possible for Government to create additional courts instead of putting two or three sub-judges in one place? To have a taluka court or one sub-judge for each taluka will be an ideal system no doubt. What I am not quite positive about is as to whether each taluka would find sufficient work for one subordinate judge. The next best arrangement would be to have a survey of the areas over which these courts are extended and to redistribute either the jurisdiction of courts or to locate new courts according to the requirements of each particular locality. This question seems to have attracted the attention of Government, as I am led to believe that the Honourable Mr. Justice Hayward, when he was on an inspecting tour recently, gave some thought to this question. If this question is being enquired into by Government and by the High Court, then I would state for their further information that it would be as well not only to redistribute the present jurisdictions but to examine the whole question as to the location of courts according to the number of suits and according to the quality and quantity of litigation of each district and of every taluka in each district.

If this is done, much of the hardship which is now really felt by the litigants will be removed. Take, for instance, as my honourable friend Mr. Desai has stated, the case of Bijapur, and, as the Honourable Rao Bahadur Naik has said, the case of Dharwar and Haveri, and that of West Khandesh particularly referred to by Mr. Upasani. In the monsoon days it is a great hardship for people to go over 50 or 60 miles for a small litigation, and, looking to the inconvenience to which these people are put, it would be worth while for Government to examine this question and start courts wherever they are necessary.

As for linked courts, I do not know what my honourable friend Mr. Upasani has to say about it, but those of my friends who have served in the Judicial Department really complain of this system of linked courts. In the first instance, it is very inconvenient to the officers concerned. They have to shift every month, and that interferes with their comfort and with the education of their children. It also dislocates the arrangements of pleaders practising in such courts, and, therefore, the linked courts, which were started at the commencement of the Deccan Agriculturists' Relief Act, do not now find favour, and I think that system need not be continued. The ideal arrangement would be to have a court for each taluka, and, failing that, to examine the whole question and to locate courts according to the requirements of each place. Linked courts to my mind are not a convenience and it would be better if they were abolished.

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The Honourable Mr. Harchandrai Vishindas:—Mr. President,—I have very great pleasure in supporting the resolution moved by the Honourable Mr. Upasani. The object which he has in view is to facilitate the work of the ryots and to afford them relief against the present conditions, under which it is very hard for them to attend the courts. I myself know something of village life, being myself a villager, and I find that, on account of the long distance between a particular village and the place where the courts are situated, the poor people generally who are sued as defendants find it very difficult and sometimes allow a suit to go undefended. Likewise, people who have got just claims as plaintiffs shrink from going to the courts and enforcing their just claims. Now, if the suggestion that is underlying the proposition of the Honourable Mr. Upasani is adopted, this difficulty will, to a great extent, be removed.

The Honourable Rao Bahadur Sathe, with his characteristic thoroughness, has examined the feasibility of adopting the suggestion, and I think the recommendations that he has made in his speech are worth consideration. Of course, it is a question more for the Government to decide than for individual members of the Council like myself to advise upon, having regard to the considerations of finance and the quantum of work executed, whether it would not be feasible to have one court for each taluka. But I think that that kind of difficulty can be very easily met by locating the courts in some such central places where they could serve two talukas in cases where one court for each taluka is not practicable and it becomes necessary to have one court for two talukas.

I have no experience of linked courts, which form part of the Honourable Mr. Upasani's resolution and to which reference has been made with disapproval by the Honourable Rao Bahadur Sathe, because we have no such system in our part of the Presidency.

So far as the principle underlying this resolution is concerned, I think it deserves the support of the Council and I, therefore, commend the proposition of the Honourable Mr. Upasani for the acceptance of the members of the Council, leaving it to Government to work out the details that might suit the situation.

The Honourable Dewan Bahadur K. R. Godbole:—Mr. President,—I have really no right to interfere in this discussion, but, in the district to which I belong, namely, Poona, we have got some linked courts. We have got a linked court for Saswad and Sirur talukas. For one month the court is held at Saswad and for the next month it is held in Sirur taluka. In each of these talukas separately I am told that there is not sufficient litigation to engage the attention of the judge throughout the year; hence the present arrangement of a linked court which is apparently giving satisfaction to the people who seem to be quite content with it. In assigning one court for each taluka, if it is found that there is not sufficient work for the judge throughout the year, then these linked courts will, in my opinion, prove a satisfactory alternative.

The Honourable Mr. D. V. Belvi:—Mr. President,—I wish to make a few observations in support of the resolution moved by the Honourable Mr. Upasani. But, before I do so, I agree with my honourable friend, Rao Bahadur Sathe, that the wording of this resolution is not quite exact. It is only now that I discover that the Honourable Mr. Upasani wants to have a civil court located at the headquarters of each taluka. That is how I understand the resolution. The resolution simply says that there should be a court.

The Honourable the Vice-President (Sir G. Carmichael):—The resolution refers to linked courts.

The Honourable Mr. S. B. Upasani:—My resolution refers to a court at each taluka, if possible, but, if that is not possible, then a linked court.

The Honourable Mr. D. V. Belvi:—Is it a civil court?

The Honourable Mr. S. B. Upasani:—Yes.

The Honourable Mr. D. V. Belvi:—I shall support the resolution only on general grounds. There is no doubt as to the inconvenience that is caused to ryots by the present system. I shall state what happens in my own district. I have been a lawyer there during the last 27 years and I find that in the town of Belgaum itself, during the last 12 years or so, there has been a joint subordinate judge. There is a first class subordinate judge and at least there is one subordinate judge exercising the powers of a second class subordinate judge. Now, the jurisdiction of the joint subordinate judge at Belgaum extends over two talukas, the taluka of Belgaum and the taluka of Khanapur. I do not

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really understand why this second class subordinate judge, who is located at Belgaum, should not be located at Khanapur to the immense convenience of the people of Khanapur, because most of those cases which can be tried by the second class subordinate judge at Belgaum come from Khanapur. All the same, men from the remotest part of the Khanapur taluka have to travel all the way to Belgaum. Sometimes they have to travel 40 miles and sometimes more than 40 miles. Inconvenience of this kind will be at once removed by the location of a civil court at the headquarters of each taluka.

We may be told that it will be difficult to find enough work for a subordinate judge, if he were to be located in each taluka. That is perfectly true, but is it very difficult to provide the subordinate judge with sufficient work? Why should not a subordinate judge, who cannot find sufficient civil work in his own taluka, be asked to try criminal cases? Subordinate judges are generally men who are trained in law. They are generally graduates in law. They have to study law systematically and to pass a rigid test. I know that it may perhaps be said that it may interfere with the mamlatdars. I may be told that there is a mamlatdar exercising magisterial powers and that may give less work to the mamlatdar. Now, here again, in my opinion, the difficulty is not insuperable. It has already been accepted on the part of Government, in the case of a resolution which, I believe, was moved in the year 1917 by the Honourable Mr. V. J. Patel. The resolution related to the increase in the appointments of resident magistrates, and, in the course of the discussion, I remember that the Honourable Sir Mahadev Chaubal admitted on behalf of Government that it was not very difficult to make some sort of arrangement in the case of mamlatdars and magistrates. My suggestion then was, and I repeat it, that for revenue purposes, in the case of important talukas, there should be a mamlatdar, but that, in the case of unimportant talukas, the revenue work may be transacted by an aval karkun, and the magisterial and civil work may be handed over to the subordinate judge. I do not mean to deprive aval karkuns of their magisterial power. I know that there is a feeling among revenue officers that they must always be invested with magisterial powers to maintain their dignity. I am quite willing to leave some magisterial power to the aval karkun. But for two talukas there may be one mamlatdar who may supervise the work of the aval karkuns in the talukas so far as the revenue side is concerned. These mamlatdars may also exercise criminal jurisdiction if it is thought necessary.

What is wanted by the people is a resident stationary officer who exercises both civil and criminal powers. It is very inconvenient for the poor ryot to travel to a civil court which is situated at a distance of many miles, and it is also equally inconvenient for the ryot to follow a revenue officer who has to try criminal cases ,and who happens to be on tour at least for a fortnight every month.

I have already pointed out to this Council in the two resolutions which were accepted by Government last year the inconvenience to which ryots are exposed, and we are, I think, making an advance so far as criminal cases are concerned. If Government sits down to consider how to minimise the inconvenience which undoubtedly is caused to the ryot, the rural populace especially, I do not think it is very difficult to arrive at a satisfactory solution. Let it not be misunderstood that this is an indirect attempt to bring up the old question of the separation of the judicial from the executive. We are not considering the question from that point of view at all, because I have said that the officers of the Revenue Department may be allowed to exercise magisterial powers. But Government should make some sort of arrangement to redress the grievances of the poor people. How to do it and when to do it are questions which we are willing to leave to the discretion of Government. All that we ask is that Government should consider this matter very carefully from the point of view of the people living in rural areas.

I have very great pleasure in supporting the resolution of the Honourable Mr. Upasani. I do not attach weight to any particular wording in which this resolution may be passed; if there is any better wording to be suggested on the part of Government, we the members of this Council shall be only too glad to accept it. It is for us to state our grievances from our point of view to the Government and for Government to devise ways in which they are to be redressed.

The Honourable the Vice-President (Sir G. Carmichael):—From the discussion which has taken place on this resolution, it is evident that there is a case for improving the existing arrangements. The Honourable Mr. Upasani referred to the Commission of 1879. It was recommended that each taluka should be provided with a separate court. That was done in some talukas. Then it was found to be extravagant, as the work was insufficient to occupy the full time of the subordinate judges and the money was, therefore, being wasted.

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The Honourable Rao Bahadur Sathe stated the problem to be dealt with in a very fair way and he pointed out how we should approach the matter for its proper solution, having regard to the financial considerations, on the one hand, and the needs of the case on the other.

He referred to the fact that the Honourable Mr. Justice Hayward had recently been on tour and had taken up the question with regard to the jurisdiction of subordinate civil courts. Government have received from the High Court a letter on the subject matter of this resolution, pointing out that Mr. Hayward has returned and that proposals for revising the jurisdiction in individual cases are about to be made to Government.

With regard to the question of linked courts, the High Court inform us that the only representation which they have heard of in favour of such courts has been the one contained in the Honourable Mr. Upasani's resolution. The Honourable Mr. Justice Hayward has toured a very large part of the Presidency and has not received a single representation asking for the convenience of another linked court for a taluka which at present has no court of its own. On the contrary, he has received several objections against the system of linked courts. The system is inconvenient for this reason. The sub-judge sits at one court for one month and at another for the next month. Now, during the period he is at court A, all the work at court B is stopped. Nobody can get any work done there. And, when the month comes to an end, if the sub-judge happens to be in the middle of an important case, he has to stop it and proceed to court B. The case that was going on in court A has thus to be held up for a month. It seems to me that this is not a satisfactory arrangement, and, in order to meet the convenience of the ryots, some other way must be found.

I think honourable members will remember that in the budget for the current year two or three proposals have been made for establishing sub-judges' courts in fresh talukas. The principle which Government follow is the one stated by the Honourable Rao Bahadur Sathe, which is to provide a court where there is sufficient work for a new court to deal with. It seems to me that some of the honourable members are pressing Government to be extravagant in the matter. They fail to realise, it strikes me, how great an expenditure is involved in having a sub-judge's court for each taluka. The Honourable Mr. Upasani, it is true, said "If necessary, have a linked court"; but I think linked courts should not be encouraged for the reason that I have already stated.

Now, to come back to the first alternative of having a court in every taluka. I am perfectly certain that, if honourable members look into the matter of the work that has to be done in several talukas, they will consider it very extravagant to have a court in each taluka. It is not only that a court involves a high recurring expenditure on Government, but also a very heavy expenditure on building. I do not know whether the Honourable Mr. Upasani or the Honourable Mr. Desai would think that the proposal for having a court in every taluka is worth the imposition of extra taxation. If the proposal is put to this test, I think it will be considered extravagant. To bring a school within the reach of every child is a justifiable policy, it seems to me, but not the one of having a court at the door of every ryot.

I do not think that Government can accept the resolution in the form in which it has been put by the Honourable Mr. Upasani. If it is held, and I think everyone who has studied the case will hold, that the linked court is not a system to be extended, then we come back to the first alternative that we should, whatever the circumstances are, provide one court for every taluka. That proposal Government cannot accept. What they are prepared to do is to take up the individual cases as they are recommended by the High Court after examination, and, as I said, the High Court are taking up the question with regard to providing a sufficient number of courts for the work to be done in this Presidency, and these proposals they state will be sent up for individual talukas. When these proposals are received, Government will give them sympathetic consideration. That is all that I, as representing Government, can undertake at present.

The Honourable Mr. S. B. Upasani:—Mr. President,—I am very thankful to my friends who so warmly supported my resolution. I think I should also thank Government for their sympathetic reply. At the outset I might clear the ground by stating that it was with a view to ascertain what was being done by Government that I postponed this resolution at the last sitting. It was then pointed out that the matter was under consideration of Government and was being gone into by the High Court Judge on tour. Nothing, however, appears to have been done in this matter and, therefore, I now propose that the policy adopted on the recommendation of the Government of India and introduced in the four Deccan districts, as regards the system of taluka courts and of linked courts, be now

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However, leaving that general question aside, I will point out that in this expropriation there is certainly a large amount of hardship and that is not entirely met by the amount of the compensation that is given to the expropriated villagers; and to the large number of people who have been attached to their soil for generations it is not enough to say they are getting 15 per cent. more than the market value of their land and that, therefore, they should not grumble. There are sentiments which cannot be put into the market and whose price cannot be adequately measured and, if one understands properly, one will feel that compensation, in the strict legal sense of the term, may be all right according to law but the people feel that they have not been getting the actual compensation. If the people are given land, in lieu of compensation, in some other places they might not complain. But Government undertakes no such responsibility of providing the people with land somewhere else. And, while we are talking in the Council, the higher officials of Government do not come to know these things at close quarters and there is a great deal of arbitrariness in the way in which the subordinate officials go about in their dealings with the people when they are acquiring lands for these schemes. Thus, for instance, we have often heard cases where, even before the notification under the act is published in the gazette, people belonging to the company go out to the land and begin their operations occasionally and, in one case at least that I know, although the notification has not even yet been issued, the company have commenced their operations and they are telling the people all sorts of things and I know also that some people wired to His Excellency the Governor and the Viceroy and others have sworn in the name of His Majesty the King-Emperor that they would not give up their land even if they are shot. I do not believe in all these things. But there is an impression of this kind among the people and, when we are going in an arbitrary manner and expropriating people who have been on this land for thousands of years, is it not very hard on the people? I put it to the Council whether it is in the interests of public or not to produce all this discontent.

When we are taking these steps, we ought to be as conciliatory to the general public as possible. If it was a question of a few individuals, it may not matter so much; but, in this case, the number of villages concerned and number of the people involved is so enormous that the question deserves the most serious consideration.

Again, in the case of these companies, they are merely commercial concerns. Well, I do not wish to go at present into the question of all the people who are interested in these companies, but, at any rate, all the capital does not come from the people of the country themselves. If one sees the manner in which recent company promotion and speculation has been going on, one will find that companies are started and the directors and their friends are supposed to have contributed most or all of the capital in the shape of shares, and shortly thereafter the shares are unloaded on the market at a premium and profits are made by these promoters in this manner. It is also complained that people whose lands are taken up are themselves not able to get shares in these companies. Occasionally they may get shares, but more often they are not able to get shares in connection with businesses which required the appropriation of their own lands. At any rate, they say this, "You are taking away our lands, all our ancestral property is going away; let us, at any rate, have some share, some small part, in the business that you are starting". I, therefore, propose that in this manner at least a small amount of local connection may be retained by allowing these people to get shares in the concerns in which the acquisition of their own property is involved.

In this connection, I might also point out that, to enable these poor people to take shares in these companies, the shares will, of course, have to be of small amounts. If they are, say, a thousand rupees worth and if people are to get a compensation of a hundred rupees or a few hundred rupees, they will not be able to take the shares. Some of the shares at least will have to be of comparatively small amounts. But, as I say, I do not wish to enter more deeply into this question and I hope to bring a more comprehensive resolution next time. But I hope the suggestion that I have now made will appeal to the Council and that I shall get their support.

The Honourable the Vice-President (Sir G. Carmichael) :—The Council will now adjourn till half past eleven to-morrow.

The Council then adjourned till 11-30 a.m. on Wednesday, the 17th March 1920.

By order of His Excellency the Honourable the Governor,

G. DAVIS,

Secretary to the Legislative Council of the Governor of Bombay.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

EXTENSION OF TALUKA COURTS AND LINKED COURTS.

[16TH MARCH 1920.] [*Mr. S. B. Upasani; the Vice-President.*]

extended to all the districts in the Presidency so that the ryots may not have to go beyond the limits of their revenue talukas for their civil litigation. This system has been in operation in the four Deccan districts for the last 40 years and has been adopted in the case of some of the courts in the Ahmedabad, Kaira and Panch Mahals districts. The Honourable Rao Bahadur Sathe very rightly observed that the ideal arrangement would be to have a court in each taluka where is sufficient civil work for one judge. If that is not possible, the next best compromise would be to have taluka courts for civil and criminal work together or linked courts, where necessary. The time lost in the case of linked courts is only a day or two required for the travelling from one court to the other, but it is more than made up by the saving in time made by the more expeditious disposal of the work under the system and for the ryots themselves it is better that the court is held at least every alternate month within the limits of their taluka than not at all and that they should have to go long distances outside their taluka for their civil litigation. The taluka court system has been found satisfactory and more convenient and less expensive for the ryots than the one under which the ryots have to go outside their talukas. I would be quite satisfied if any arrangements were made which would meet the needs of the case with the least expense. I do not mean that Government should take immediate action to appoint separate sub-judges for each and every taluka. The resolution does not bind the Government's hands in any way. It only urges that Government may be pleased to extend to all the districts in the Presidency the system already adopted by it in the four Deccan districts under orders of the Government of India and to arrange for separate or linked courts for each taluka, as may be necessary in each case, so as not to require the ryots to go outside the limits of their revenue taluka for their civil or criminal work.

The Honourable the Vice-President (Sir G. Carmichael):—I regret that the wording of the resolution would not permit of Government approving the policy. Their policy is that explained by the Honourable Rao Bahadur Sathe. They cannot approve of an extension of the system of linked courts.

The Honourable Mr. S. B. Upasani:—If Government desire that the wording should be altered.....

The Honourable the Vice-President (Sir G. Carmichael):—I am afraid I am not in a position to suggest any amendment.

I have endeavoured to explain to the honourable members the position of Government, what Government are going to do and what their policy is. It is not their policy to provide at all costs a court at each taluka town. One has to remember in the coming year, in fact next December, there will be demand on the one side for financial provision for the departments in charge of the ministers and, on the other, for the reserved subjects, such as law, justice and police; and I am afraid, if we were to say that one court for every taluka was required, the minister would then reply that it was unnecessary, that it was extravagant, that the money could have been better spent on schools, sanitation and medical relief.

The resolution was put to the vote and carried, 17 voting for and 16 against.

The Council divided as follows:—

Ayes.

The Honourable Mr. Dattatraya Venkatesh Belvi, LL.B.
The Honourable Mr. Pandurang Anant Desai, LL.B.
The Honourable Rao Saheb Harilal Desaibhai Desai, LL.B.
The Honourable Rao Bahadur Siddhanath Dhonddev Garud.
The Honourable Dewan Bahadur Kashinath Ramchandra Godbole.
The Honourable Shaikh Ghulam Hussein Hidayatallah, LL.B.
The Honourable Mr. Balkrishna Sitaram Kamat.
The Honourable Mr. Chunilal Vijbhukhandas Mehta, LL.B.

Noes.

The Honourable Sir George Carmichael, K.C.S.I., I.C.S., *Vice-President.*
The Honourable Mr. G. S. Curtis, C.S.I., I.C.S.
The Honourable Sir Ibrahim Rahimtoola, Kt., C.I.E.
The Honourable the Advocate General (Sir Thomas J. Strangman, Kt.)
The Honourable Mr. Salebhoy Karimji Barodawalla.
The Honourable Mr. Rupchand Bilaram, LL.B.
The Honourable Mr. R. H. Brooke.
The Honourable Mr. F. Clayton.
The Honourable Mr. J. G. Covernton, C.I.E.

LAND ACQUISITION FOR NEW COMMERCIAL CONCERNS.

[*The Vice-President; Mr. R. P. Paranjpye.*] [16TH MARCH 1920.]

Ayes.

The Honourable Rao Bahadur Venkatesh Shriniwas Naik.
The Honourable Mr. Raghunath Purshottam Paranjpye.
The Honourable Mr. Gokuldas Kahandas Parekh, LL.B.
The Honourable Sir Dinshaw Manockjee Petit Bart.
The Honourable Mr. Munmohundass Ramji.
The Honourable Rao Bahadur Ganesh Krishna Sathe, C.I.E.
The Honourable Mr. Purshotamdas Thakurdas, C.I.E., M.B.E.
The Honourable Mr. Shridhar Balkrishna Upasani.
The Honourable Mr. Harchandrai Vishindas C.I.E., LL.B.

Noes.

The Honourable Mr. Mahomedbhoy Hajeebhoy.
The Honourable Khan Bahadur Pir Baksh walad Mian Mahmud, C.I.E.
The Honourable Mr. P. J. Mead, C.I.E., I.C.S.
The Honourable Mr. L. Robertson, C.S.I., I.C.S.
The Honourable Mr. C. N. Seddon, I.C.S.
The Honourable Mr. H. O. B. Shoubridge, M.Inst.C.E.
The Honourable Colonel J. B. Smith, C.B., I.M.S.

The Honourable the Vice-President (Sir G. Carmichael):—Resolution No. 4. The Honourable Mr. Paranjpye.

"This Council recommends that Government be pleased, when acquiring land for a new commercial concern under the Land Acquisition Act, to lay down a condition that the dispossessed owners be given the option of receiving the compensation for their lands in the form of fully paid up shares in that concern at par.

The Honourable Mr. R. P. Paranjpye: —Mr. President,—I have great pleasure in moving for the acceptance of this Council the resolution that has just been read by the Honourable the Vice-President to this Council.

I must say, in the first instance, that during the last year or two, in view of the increasing industrial activity which we welcome in general, a large number of hard cases have been occurring; and, in particular, a few schemes have been floated in recent years which require the acquisition of land on a scale almost unheard of previously. Formerly, the Land Acquisition Act was applied in cases where public utility was absolutely unquestionable. It was applied in the case of railways or where Government wanted land for some purpose or also in cases of commercial firms, but only on a very limited scale. But, in recent years, apparently the policy has been followed of acquiring land not as regards a few, 10 or 100 acres, but we are going in for acquiring land to the extent of thousands and tens of thousands of acres. Formerly, the question used to be of expropriating a few individuals and now it is a case of expropriating thousands of owners and a large number of villages. It may be all right occasionally when large irrigation schemes are in question. In that case, the utility of the work is not in question, and, as it is not a private speculation, people do not grumble very much. But in recent years there have been commercial concerns on a very large scale and the people intimately concerned with these acquisitions are beginning to look rather more carefully into the question of the actual public interest attaching to these concerns.

I am not, however, to-day going deeply into the question of this land acquisition in a more general manner and I intend, if possible, at the next meeting of the Council to offer constructive suggestions in the form of a resolution as to the manner in which land should be acquired or, at any rate, the cases in which land should be acquired. In the present case I am only referring to one small matter in connection with this land acquisition. The companies which have been floated in recent times, to which I referred, are several but I would mention, for example, three of these recent companies. One of them is the Belapur Syndicate which acquired several thousands of acres for the purpose of starting a big sugar concern. Another scheme of the same kind is the one in the Poona district, Nila Mula Scheme, as it is called, in which as many as 37 villages are to be expropriated. The number of villagers to be expropriated is something like 18,000 and perhaps also the Khopavali Land Company is also another which would require the acquisition of land on a very large scale. Now, these are companies for the purpose of making profits. But do they serve public interest? Of course, one can understand that anything that is done by any concerns in the country has more or less a remote reference to the interests of the public. But the question that we have got to consider is, whether the harm that is done and the outrage on the sentiments of the people are commensurate with the public interest which is subserved by these schemes.

The

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THURSDAY, 22ND APRIL 1920.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Proceedings of the Council of the Governor of Bombay.

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

The Council re-assembled at 11-30 a.m. on Wednesday the 17th March 1920, in the Council Hall, Secretariat, Bombay.

PRESENT:

The Honourable Sir G. CARMICHAEL, K.C.S.I., I.C.S., *Vice-President*.
The Honourable Mr. G. S. CURTIS, C.S.I., I.C.S.
The Honourable Sir IBRAHIM RAHIMTOOLA, Kt., C.I.E.
The Honourable the Advocate General (Sir THOMAS J. STRANGMAN, Kt., Bar.-at-Law).
The Honourable Mr. DATTATRAYA VENKATESH BELVI, LL.B.
The Honourable Mr. RUPCHAND BILARAM, LL.B.
The Honourable Mr. R. H. BROOKE.
The Honourable Mr. SHERIFF DEVJI CANJI.
The Honourable Mr. F. CLAYTON.
The Honourable Mr. J. G. COVERNTON, C.I.E.
The Honourable Mr. PANDURANG ANANT DESAI, LL.B.
The Honourable Rao Saheb HARILAL DESAIBHAI DESAI, LL.B.
The Honourable Mr. R. E. ENTHOVEN, C.I.E., I.C.S.
The Honourable Major C. FERNANDES, M.D., F.C.P.S., I.M.S.
The Honourable Rao Bahadur SIDDHANATH DHONDDEV GARUD.
The Honourable Dewan Bahadur KASHINATH RAMCHANDRA GODBOLE.
The Honourable Mr. MAHOMEDBHOY HAJEEBHOY.
The Honourable Shaikh GHULAM HUSSEIN HIDAYATALLAH, LL.B.

LAND ACQUISITION FOR NEW COMMERCIAL CONCERNS.

[*The Vice-President; Mr. P. J. Mead.*] [17TH MARCH 1920.]

The Honourable Mr. J. D. JENKINS.
The Honourable Mr. BALKRISHNA SITARAM KAMAT.
The Honourable Khan Bahadur PIR BAKSH walad MIAN MAHMUD, C.I.E.
The Honourable Mr. P. J. MEAD, C.I.E., I.C.S.
The Honourable Mr. CHUNILAL VIJBHUKHANDAS MEHTA, LL.B.
The Honourable Rao Bahadur VENKATESH SHRINIWAS NAIK.
The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE.
The Honourable Mr. GOKULDAS KAHANDAS PAREKH, LL.B.
The Honourable Sir DINSHAW MANOCKJEE PETIT, Bart.
The Honourable Mr. MUNMOHUNDASS RAMJI.
The Honourable Mr. L. ROBERTSON, C.S.I., I.C.S.
The Honourable Rao Bahadur GANESH KRISHNA SATHE, C.I.E.
The Honourable Mr. C. N. SEDDON, I.C.S.
The Honourable Mr. PHIROZE C. SETHNA, O.B.E.
The Honourable Mr. H. O. B. SHOUBRIDGE, M.Inst.C.E.
The Honourable Colonel J. B. SMITH, C.B., I.M.S.
The Honourable Mr. PURSHOTAMDAS THAKURDAS, C.I.E., M.B.E.
The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI.
The Honourable Mr. HARCHANDRAI VISHINDAS, C.I.E., LL.B.

The Honourable the Vice-President (Sir G. Carmichael):—Discussion of matters of general public interest. Further discussion of resolution No. 4.

The Honourable Mr. P. J. Mead:—Mr. President,—If I may take the terms of the Honourable Mr. Paranjpye's resolution as affording a sign-board to the path along which he would naturally proceed to marshal his arguments, I think it must be admitted that perhaps the honourable member has travelled a little wide afield. That, I think, is not perhaps so unfortunate, in view of the fact that he has promised us a more interesting discussion later on.

To deal first with the case for expropriated ryots. I happen to have received a deputation lately from cultivators in the Poona district in the Mulshi peta, who are affected by what is known as the Nila-Mula scheme. There were several misconceptions which I was very glad to be able to remove, and I think it possible that those misconceptions may be shared by certain members of this Council. The only stage which has been reached so far in connection with the Nila-Mula acquisition is that the company are endeavouring to enter upon lands which are urgently required, but which have not yet been notified and the members of the deputation represented that it was illegal, high-handed and generally extremely unfortunate that the company should have endeavoured to get possession of the lands without any legal sanction. Mr. Hudson, the Collector of Poona, had already pointed out, and I reinforced his argument when the deputation came to see me, that, on the other hand, those few cultivators who were affected had the chance of their lives, and they were throwing away their chances on the bare chance of stopping the whole acquisition. It is true that the lands in question have not been notified. Therefore, the company had to pay precisely what the cultivators chose to ask for permission to enter on these lands, which was a matter of urgency. I think the deputation, when they left, understood the situation, and I hope that the cultivators will now allow the company to proceed with their works, and I also hope that they will make the company pay handsomely for the concession.

To come to the second stage of the acquisition, after notification, the deputation had already read, as many members of this Council may have read, the agreement in the Andhra Valley case. But the deputation misunderstood those conditions. The condition to which I refer is that, in the case of acquisition of lands for the Andhra Valley scheme, it is stipulated that twice the market value of the land shall be paid in addition to the 15 per cent. for compulsory acquisition. The expropriated ryots are to receive the market value plus 15 per cent., in accordance with the terms of the act. It is not the intention of Government, as was supposed by the deputation, to profit to the extent of 100 per cent. on the transaction. The 100 per cent. on the market value is to be reserved and funded purely and solely for the benefit of the expropriated ryots and the inhabitants of the tract generally. The proposals in the case of the Nila-Mula scheme have also come

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under the consideration of Government and Government, as at present advised, have proposed to vary the terms slightly. Roughly, it is proposed that such compensation is to be payable by the company as, on a full consideration of the losses to be incurred by the persons to be dispossessed and other persons affected by the acquisition of the land and the execution of the project, Government may judge to be fair and reasonable. But there is this distinction, which honourable members will note, that we propose to compensate, and compensate liberally, resettling, wherever possible, all expropriated ryots. We do not propose to make a fund for the general amelioration of the tract, and for this there are good reasons. Anybody who knows that tract of country will realise that there is only a limited amount of rice land, that that rice land necessarily is the first land to be submerged and that, therefore, if we are to arrange for the resettlement of such of the expropriated ryots as have no other means of subsistence except agriculture, it is almost essential that they should move to another part of the country. In discussion with the deputation, I suggested, and I think it is probable that enquiries may be made in that direction, that Government should possibly utilise the services of a member of the Agricultural Department to examine tracts of country where the expropriated ryots could be settled, if possible in small colonies, and I am hopeful that some such scheme may be practicable. I am not hopeful that the whole of the 8,000 cultivators will find as much land as is required, but, so far as it is humanly and reasonably possible, Government will use their endeavours to do so, and the company will pay the bill.

I then come on to another case, the Belapur case. When I first went to the Ahmednagar district, famine was sore in the land. In the course of a tour through the arid eastern talukas, I came in due course to the northernmost taluka of Kopergaon. The Honourable Mr. Curtis will bear me out when I say that the change, as I reached Rahata, from the arid and stony wold of the Deccan to the broad, green fields of wheat, as far as the eye could see, was startling. Further, as the famine progressed and as the measures for famine protection increased, the value of this large tract of land under irrigation, its demands for labour and so forth, were extremely noticeable. In this tract I first met the Saswad mali, and this brings me to the beginning of my arguments on the subject of Deccan irrigation. The Saswad mali is an extremely capable market gardener. When the Deccan canals first came along, the Saswad mali forsook his figs and brinjals and turned his attention, amongst other things, to sugarcane. He applied his market gardening methods to sugarcane. But he swamped the land with water. He perhaps alone of the cultivators of the Deccan realised that, as in other industries, money breeds money and that, if we want big returns, we must spend large sums, and the Saswad mali was prepared to do so and his sowcar, who knew his reputation as a good cultivator, backed him up. The Saswad mali tried to get as much land as he could. He thus, when he had exhausted the possibilities of Poona, came on to this new land and he applied the same methods there. He had a certain measure of success and we are grateful to him. He taught the local Maratha how to spend his money and he taught us the value of the land. But several consequences ensued from his methods of cultivation. The soil in the Deccan is extremely bad. There are large tracts of murum. Water runs through a murum subsoil as water runs through a pipe. If you go to Java, which is the home of careful cultivation, where water is extremely valuable and all expenses are cut down to a minimum on commercial lines, you will be told that they water the cane with a teaspoon. The Saswad mali used a bucket, and the bucket leaked. Wherever the murum soil predominated, the water ran freely for miles. The Honourable Mr. Seddon will bear me out when I say that as this subsoil water ran freely on large tracts of country it occasionally banked up against a stratum of impervious black soil and rose producing waterlogging. Therefore, the Saswad mali, having raised, not as fine crops as he could have, but fine crops of cane, having shown us the value of manure, having shown us the value of the land and the ridiculously low pitch of irrigational rates which the local Maratha regarded as entirely prohibitive,—the Saswad mali paid gladly twice and even three times the irrigation rates for irrigating land which he was not strictly allowed to cultivate—did, as a consequence of his faulty methods, ruin a large amount of land in the vicinity. But he has clearly established two principles. The first is that you must plant your cane down in land which is suitable for cane, suitable not only in texture and depth of soil, but as regards available drainage channels in the vicinity, and the second is that you cannot send four or five cusecs swinging down so many miles of a canal to water a few acres of cane land scattered all along the length of the canal.

You must then ascertain which of your land is suitable for cane cultivation and you must have your cane, so far as possible, concentrated in suitable places. Now, it is not a very easy thing to do it. I will come later to the cost of Deccan irrigation, but . . . .

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[*The Vice-President; Mr. P. J. Mead; Mr. Harchandrai Vishindas.*] [17TH MARCH 1920.]

The Honourable the Vice-President (Sir G. Carmichael):—May I point out to the honourable member that the 15 minutes allowed to him has come to an end?

The Honourable Mr. P. J. Mead:—Thank you, sir. I shall now close with a few words.

The prime need, then, was for a first class example of intensive cultivation under irrigation, not only intensive cultivation but, if possible, for an industrial adjunct to it, namely, a sugar-cane manufactory. Honourable members may at once ask, if it is granted that you must develop your canals, that you must have your cultivation in one place and that the water must be economically used, still, why not protect the expropriated cultivator? The answer is simple. The cultivator needs no protection at all. An industrial project of this kind depends entirely on the good-will of the cultivator. He must be kept contented, he must be given all facilities for cultivation; otherwise the whole industrial project falls through. But it was proposed from the beginning, in the case of the Belapur Syndicate, that shares should be made available for cultivators. As a matter of fact, 45 per cent. of the shares in the Belapur Syndicate are held by Indian gentlemen some of whom are residing in the district. Nearly half a lakh or 496 shares of Rs. 100 each have also been reserved for the expropriated cultivators who may wish to take them up with the money compensation paid to them.

Lastly, very briefly, honourable members, including the Honourable Mr. Purshotumdas, were extremely anxious that protective irrigation should be extended as rapidly as possible. Our ghat rainfall is a very valuable asset which we must develop by all means in our power, but it is a very expensive business. It is not such an easy proposition to build irrigation works wherever they are wanted. It costs money, and, as in the case of cane cultivation, you must secure high returns to meet the high costs of capital charges on such works. Therefore, in order to extend protective irrigation rapidly, Government must share in the enhanced value of land under command and the water thus made available must be used quickly to the best possible advantage.

The Honourable Mr. Harchandrai Vishindas:—Mr. President,—Much as I respect anything that falls from my friend the honourable mover of this resolution, I regret that his present proposal does not commend itself to my commonsense standpoint. Now, in the first place, there arises the question, a very obvious question, to which I thought the Honourable Mr. Paranjpye would vouchsafe an answer in his speech. But in the end I was disappointed. There was not only no answer, but there was not even a reference made to the question. The question was just now referred to in indirect terms by the Honourable Mr. Mead at the end of his speech. That question is, why cannot the dispossessed ryot or dispossessed proprietor of land, if he is so minded, invest his cash compensation in the shares of the company in the open market? Why go through this devious process which involves so many complications?

The Honourable Mr. Paranjpye, I think, has omitted to take into consideration that giving effect to this resolution will involve some change in law, rather two laws. This question is connected with the law of acquisition of lands and the law of companies. The law of acquisition of lands governs the whole of India, which makes money as the only compensation and no other.

The Advocate General:—Also land in exchange.

The Honourable Mr. Harchandrai Vishindas:—And land compensation as the Advocate General reminds me.

The Honourable Mr. Paranjpye in his resolution simply suggests that the Government should make it a condition that an option should be given to dispossessed owners to take money compensation or compensation in the shape of shares. It is not enough to make a condition like that. To give effect to it, it will be necessary to introduce an amendment to the Land Acquisition Act. The question will then arise, whether for the sake of these dispossessed landowners it will be in the interests of the general public to make alterations in the act which operates for the whole of India. Again, the amendment will have to be so framed as would be applicable only to this kind of proprietors of land. If you were to consult the interests of the general public who would all be affected by this act, will they be inclined to favour such an amendment? So much about the law of land acquisition.

To come to the law of companies, which is the Indian Companies Act. The holding of shares in a company is governed by this act. I think, on the one hand, those who invest their money voluntarily in shares within the limited time have got equal rights with the rest of the public to get the shares, and limited liability companies which are registered

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under the Indian Companies Act have no option to refuse any shares. On the other hand, the act would exact certain obligations from the shareholders. Now, does the Honourable Mr. Paranjpye propose that those obligations have also to be exacted from these landed proprietors? Would it be advisable, would it be fair, to interfere with the freedom of the companies? All these things have to be taken into consideration. Perhaps the Honourable Mr. Paranjpye would reply that as his resolution only aims at an option to the expropriated owners, if they choose they may not exercise their options in favour of shares. But that leaves out of account the interests of the general public.

Then, the Honourable Mr. Paranjpye went far afield, quite outside the scope of the resolution, by running down the land acquisition officers and by dilating upon their iniquities. I do not see how this has got anything to do with the case. Does he mean to say that by this resolution all those iniquities will be removed? If the land acquisition officers are very hard upon the landowners now, how is that hardship to be mitigated by merely giving the option of compensation to the landed proprietors? Then, Mr. Paranjpye has referred to the business of the companies being of a speculative character. Quite so. In that case it would be unwise to drag these unsophisticated landowners into speculative business which would be the case. What appears to my mind to be the situation is this, if this resolution were accepted, that these expropriated landowners, about whom we have had some account from the Honourable Mr. Mead, do not seem to be altogether dissatisfied with the acquisition of their land under the new project. Of course, that may be a question that might be elaborated upon, and the Honourable Mr. Paranjpye might have something to say about it. But I would rather think that the proprietor of land in these parts of the country who has not been touched by the modern commercialism would have his sense of proprietorship more gratified by the chink of coin than by mere scrips of paper as represented by the shares.

Then again there is another difficulty. So far as the taking of shares in companies is concerned, we have it that part of the share money is advanced at the time of application and some more on allotment of shares, and so on. According to the resolution, the shares would be deemed to be fully paid up. How can this fit in with the Companies' Act, and how can it be accepted as a condition governing the case only of these expropriated landdowners only, whereas other shareholders would be governed by other conditions?

For all these reasons, sir, I think the proposition is entirely unworkable and is not calculated to serve the object which the honourable mover has in view. I am sorry I cannot support the resolution.

The Honourable Mr. Purshotamdas Thakurdas:—Mr. President,—One thing that struck me and which I noted with some pain in the Honourable Mr. Paranjpye's remarks in moving the resolution was the undercurrent of regret with which he referred to the question of venture and enterprise in the direction of hydro-electric efforts in this Presidency. I should have thought, sir, that a person of the intelligence and of the broad view of the Honourable Mr. Paranjpye would have hailed it with great joy and satisfaction. If that is not so, all that I can say is that the Honourable Mr. Paranjpye has prejudiced his case by moving the resolution in the way in which he has done. He referred to the utility of the purposes for which Government acquire land. He said that he had nothing to complain if Government acquired land for irrigation, protective or otherwise; but, when he came to the question of Government acquiring land for various hydro-electric schemes, the Honourable Mr. Paranjpye appeared to me—and I speak open to correction—to rather regret that Government should have used the privilege of acquisition of land under the Land Acquisition Act for the purposes of certain industrial concerns, namely, the Hydro-Electric Company and the Khopoli Land Companies. I certainly think that the majority of this Council will have no sympathy with the Honourable Mr. Paranjpye. I would like to ask him if he thinks it possibe that any of these companies could possibly have been started if Government had not acquired land and given them that facility which was the mainspring of those enterprises. If the reply to this is " no " and if it is also conceded on the other side that these enterprises have been in the right direction conducing to the prosperity of Bombay, the only inference is that Government have taken the right course. The one evil is of temporarily inconveniencing the people whose lands have been taken up and the other evil is of leaving things as they are even though capable of improvement.

I do not think I need say anything more in showing that or in hoping that this Council will say to Government that they have taken up the only correct course and this has not been done a day too soon.

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The Honourable Mr. Paranjpye named two companies, one the Belapur Syndicate and the other the Tata Company. As regards the Belapur Syndicate, I understand from the Honourable Mr. Lalubhai Samaldas, who is not here to-day, that he has offered the cultivators in that area shares at par so that, as far as that instance goes, it does not support the Honourable Mr. Paranjpye's resolution. As regards the Tata Power Company, the Honourable the Chief Secretary has made a very lucid statement before the Council, but, before I proceed further, I should like to refer to one or two exaggerated statements that were made yesterday by the Honourable Mr. Paranjpye in connection with the Tata Power Company. He said that he would mention three companies. One of those was the Belapur Syndicate and the two others have reference to the Tata schemes. One of the latter had to acquire 31 villages with a population of 15,000 to be made homeless. Since I heard these figures in the Council yesterday I had a telephone message from the Secretary of the Tata Power Company and, as far as I could understand on the telephone, the position is that the total number of villages that will be expropriated for the Tata works is not 31 but 11 and the number of the people concerned therein per village is on an average (the secretary told me) 200; the total number of the people affected will be 2,200 and not 15,000.

The Honourable Mr. Paranjpye also told us that the people there were being treated in a very harsh manner by the acquisition officers concerned and how some of them had sworn by the Maruti and the King-Emperor that they would not leave their land or would not allow the company to take possession of their land. I understand from the Secretary that nothing of the sort has happened. More than 75 per cent. of the people whose lands were to be acquired allowed admission to the officers of the Tata Power Company and the officers concerned in the acquisition quite willingly. As a matter of fact, the Secretary said many of them welcomed them. However, it may be that only six or seven people resisted the officers of the company or the acquisition officers and the reason for that is that a few enterprising pleaders from Poona sent up their representatives to tell the people whose lands were affected that they should start a little agitation and that they should not allow the lands to be acquired easily. I understand that a telegram has been sent on to His Excellency the Viceroy and some sort of agitation is going on in the interval. Of course, nobody would mind pleaders in any part of the country standing by cultivators or holders of land and teaching them to safeguard their own interests. But I certainly feel that this Council will approve of no sort of agitation being made by anybody before seeing that things are not going on smoothly and having proof of the same.

As far as the Tata Power Company is concerned, the directors of that company are very anxious to see that the agriculturists there get the full value of the land and, in addition, 15 per cent., and, if any cultivator had expressed any desire to subscribe to the shares, the directors would have been willing to let them have all they wanted. So that, even in the case of this concern quoted as an illustration by the Honourable Mr. Paranjpye, the managers of the same are willing in every way to help the landholders.

Coming now to the general question raised by the Honourable Mr. Paranjpye, I understand, sir, that, in the case of the Khopoli Land Company, Government have not only not been satisfied with taking 15 per cent. in addition to the value of the land from the company, but an additional sum has been or is going to be taken from the company for the purpose of the amelioration of the Katkaris who are going to be expropriated from that land. Anybody who knows the way in which the Katkaris live will surely congratulate Government for their thought of taking some additional money from the company with the express object of improving the condition of the Katkaris who at present live in a very bad state.

As regards the various hardships of expropriation to which the Honourable Mr. Paranjpye referred, I may tell him that I happen to be a victim of this system of acquiring land for industrial purposes. A bungalow in Lanauli with nine acres of land, in which I am interested and which used to be my resort during the summer months, has had its compound very badly cut into two by a big leaky wall running through the compound and has also become a malarious place. But after all, when you consider the extent of the benefit to the industries concerned, some such inconvenience to a comparatively few persons has to be tolerated. I really wonder if sentiment is to be allowed to have complete sway in matters where industrial requirements are concerned. Therefore, when I speak about this, I certainly do not speak with a light heart, without experience or knowledge or from what I hear from others, but I myself have been a victim and I have the fullest sympathy with the people who are compelled to leave their homes.

Now, as regards the principle of acquisition, the honourable mover has nothing tangible to suggest as far as the needs of the class of people affected are concerned. He does not urge Government to give the people expropriated more than 15 per cent. He says

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"Give them the option of subscribing to the shares of the company at par." I must not overlook that the Honourable Mr. Paranjpye has promised to bring in a comprehensive resolution next session in this Council and I shall wait for that resolution, for, if he can put before the Council and Government something more businesslike and something that will tend more to the relief of such landholders who have to be expropriated, I can assure him that he will have my fullest sympathy. But in the meantime let us discuss what he has put before the Council. He says "Give the man the option of subscribing for the shares at par." He has told us that it is necessary that shares of a smaller denomination than Rs. 500 or Rs. 100, that is, shares of Rs. 10 or Rs. 5 should be issued to them. The Honourable Mr. Paranjpye surely understands and is aware that these companies do not begin to pay interest till three or four years after their initiation. So, if this class of people are expected by the Honourable Mr. Paranjpye to preserve the scraps of shares for, say, five years and to claim their dividends whenever they are declared at the end of five years or more, I am inclined to think that the Honourable Mr. Paranjpye is overestimating their intelligence and interest in the share market. We have been told that the people in the districts who have subscribed to the various war loans do not know where to get the interest of their war loan bonds. I hope the Honourable Mr. Paranjpye will bring out in his comprehensive resolution next session something that is more sure to give relief to the expropriated landholder, and, in that case, he will command the fullest attention of this Council. But in my opinion the present remedy that he has suggested is no remedy at all. He takes it for granted that all such concerns will be sound and will give regular dividends. We all hope they may, but some of them may not. Some of these may go to the wall. What has the Honourable Mr. Paranjpye to say about the discontent that would arise among these people if anything like that happened?

Under these circumstances I submit, sir, that this resolution may be held over by the Honourable Mr. Paranjpye until his promised comprehensive resolution comes before the Council, and I am quite sure that Government would also like to learn from him what better remedies he can suggest by which one industrial enterprise in this direction will not be handicapped, but will be left to go on developing and at the same time bringing better relief to the people about whose sentiments we have heard so much to-day.

With these words I am inclined to suggest that the Honourable Mr. Paranjpye should have the resolution postponed until he brings in his full resolution on this subject.

The Honourable Mr. Phiroze C. Sethna:—Mr. President,—We are accustomed to listen with respect to the views advanced by the Honourable Mr. Paranjpye in this Council on educational matters, but I am afraid we cannot with equal readiness endorse his views on matters commercial. I make bold to say that there is not a single businessman on this Council who will accept the arguments advanced by the Honourable Mr. Paranjpye in favour of his resolution. Speaking yesterday on the Honourable Mr. Belvi's resolution wanting the Educational Department to hold annual examinations in all subjects in all classes of secondary schools, the Honourable Mr. Paranjpye is reported in this morning's papers to have criticised this resolution by saying that laymen like the Honourable Mr. Belvi in moving a resolution on the technical management of educational institutions were led by theoretical considerations rather than by what actually happened. I think, sir, I may level the same criticism at the head of the Honourable Mr. Paranjpye in regard to his own resolution. Mr. Paranjpye was very eloquent as to the hardships that the dispossessed landlords had to submit to. He protested so emphatically as to give one an idea that lands belonging to cultivators were confiscated, and they got no compensation for what was acquired by Government for industrial companies. He has not said whether these cultivators are compensated or not, but the Honourable Mr. Mead has explained that ample compensation is given, in fact, very much more than the market value of the land, to the cultivators who are dispossessed. If the Honourable Mr. Paranjpye's point is that the hardship the cultivators have to put up with is a sentimental one, namely, that owners have to give up their lands where they and their families have lived perhaps for years and even for generations, then I quite agree with that view; but, if that be so, then the sacrifice on their part, it must be admitted, is in the general interest of the great majority.

Mr. President, if such a sacrifice has to be made, it is not made by the cultivator class alone. It also extends to towns like Bombay. I may give the instance of the Bombay Improvement Trust. The Bombay Improvement Trust, for the benefit of making Bombay more sanitary, is permitted to acquire lands. Many buildings have been in the occupation of the owners for decades of years, and it costs a great pang to have to surrender it and yet in the general interest this has to be done. We may as well say

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that the Improvement Trust should be turned into a limited company and should issue shares and the owners of acquired land should be compensated, in addition to the market value of their land, by issuing to them shares at par, and, owing to appreciation in land values in the city, such shares would naturally be at a high premium. I, therefore, contend, sir, that if there is any sacrifice, it is made in the general interest of the large majority. There is just now a wave of progress in industrial enterprise as well as in other directions in the country, and it behoves Government as well as the public to promote rather than retard it in the manner which I am surprised to find my honourable friend Mr. Paranjpye advocates. Sir, the Honourable Mr. Paranjpye has questioned the wisdom of Government in recognising works such as the Tata Hydro-Electric Works and similar concerns as works of public utility. I need not dwell on that point, because my honourable friend Mr. Purshotamdas Thakurdas has already dealt with it at some length. Works like these are not only in the interests of the community generally, but they primarily benefit the villages from where these lands are acquired, inasmuch as they provide more lucrative employments, and the villagers, who are to-day men of slender means, by degrees become prosperous and add to the prosperity of the country at large.

Then, sir, we have to consider if there really is such a great demand on the part of the villagers for shares in companies which start factories on their lands. The Honourable Mr. Paranjpye has told us that only a certain number of such villagers did ask for some shares in one company he named; how many they are, he has not said. I venture to submit, sir, that an ordinary villager, if left to himself, would never dream of investing in shares of companies. Of course, as education spreads and the villagers become literate, things may be different and they may in years to come invest in these shares, and let us hope that this will be so. But at the moment, if there is any demand whatsoever, it is absolutely limited. I doubt if it is even a fraction of 1 per cent.

I think the Honourable Mr. Paranjpye's proposal is wrong both in theory and practice. The Honourable Mr. Harchandrai has pointed out some difficulties in regard to giving effect to this resolution. So has the Honourable Mr. Purshotamdas Thakurdas. I will not, therefore, repeat them. The Honourable Mr. Paranjpye says that these landholders should be given fully paid up shares which, as the Honourable Mr. Harchandrai pointed out, would create complications. But, sir, there is one other important point. Companies are promoted, as the Honourable Mr. Paranjpye knows, at what is believed to be the right time. By "right time" I mean when the money market is not stringent and there are other favourable circumstances. The honourable member proposes that a portion of the shares be kept in reserve for the landowners who have been dispossessed of their lands for a particular concern. It may be that when these shares are offered to these cultivators, conditions may have become so different that there may not be any demand for these shares and they may be had in the market at a discount. Will it be right to handicap the company in this way? There are many other reasons why the proposal is not feasible. I trust, therefore, that as it is both impracticable and unworkable, the honourable mover will accept my honourable friend Mr. Purshotamdas's advice and postpone this resolution till he can improve on it and include it in the more comprehensive one which he has told us he hopes to bring forward at the next session of the Council.

The Honourable the Advocate General (Sir T. J. Strangman):—Mr. President,—It is an extremely unfortunate thing that the Honourable Mr. Paranjpye in proposing this resolution yesterday should have thought fit to attack various companies and their officials and in so doing he created a considerable amount of wholly unnecessary prejudice and led to much wholly unnecessary discussion. Now, there can be no doubt whatever that, having regard to the interests of the country as a whole, it is in the highest degree important that works of the class to which the Honourable Mr. Paranjpye refers should be undertaken and, of course, encouraged. And, further, it is quite clear that without the aid of the Land Acquisition Act it would be absolutely impossible to carry these works through. Now, when you apply the Land Acquisition Act, you are bound to cause a certain amount of hardship to a few people. But, after all, in considering a matter of this kind, you have got to consider the welfare of the majority and, if it is to the welfare of the majority that the work should be carried through, the fact that a few people would be prejudiced or inconvenienced should not stand in the way of putting the act into force.

Well, now just to turn to the wording of the resolution for a moment, it runs in these terms:—

> "This Council recommends that Government be pleased, when acquiring land for a new commercial concern under the Land Acquisition Act, to lay down a

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condition that the dispossessed owners be given the option of receiving the compensation for their lands in the form of fully paid-up shares in that concern at par."

Well, there is a technical objection to the resolution, and it is this, that under the Land Acquisition Act compensation can only be paid either in the form of money or in the form of land. But I take it that the Honourable Mr. Paranjpye's idea is really this, that the dispossessed cultivator should be given an opportunity, if he so desires, of not being paid in shares but of investing the compensation money that he gets from the Collector, in whole or in part, in shares of the company, and, if that is his idea, I would suggest an amendment to the resolution so that it would run in this way:—

"This Council recommends that Government be pleased when acquiring land for a new commercial concern under the Land Acquisition Act, to lay down a condition that the dispossessed owners be given an option of investing the compensation or any part of such compensation in fully paid-up shares in such concern at par."

If the Honourable Mr. Paranjpye accepts that amendment, I for one should be very pleased to support it.

The Honourable Mr. R. P. Paranjpye:—I accept that amendment.

The Honourable the Advocate General (Sir T. J. Strangman):—Well, I am glad that I have got the Honourable Mr. Paranjpye's approval to the amendment. His idea, I understand, is that the expropriated proprietor should be given an opportunity of investing his compensation money in the shares of the company at par. Now, on that point the Honourable Mr. Harchandrai said that if the expropriated proprietor wished to purchase shares in the concern, there was nothing to prevent him from so doing in the market. The object of the resolution, however, is to let the expropriated owner in on the ground floor, and it appears to me that the man whose land is expropriated should be in that favoured position.

Well, now just another point. The Honourable Mr. Sethna suggested that a company requiring land would be prejudiced by such a resolution. But I venture to think that that would not be so at all. After all, the market value of the land under the land acquisition proceedings would bear but a very small proportion indeed to the capital of the company, and the company would be giving a very small concession indeed to the expropriated proprietor, a concession, however, which he himself might very much value. I do not think there can be any technical objection to the resolution in the form I have suggested. It is quite true that under the Land Acquisition Act there is nothing which provides that Government can lay down any conditions, beyond the execution of an agreement, before setting the act in motion for a company. But, on the other hand, there is nothing whatever in the act which says that Government must put the act in motion or shall not impose any condition, and I do not myself see any legal objection to Government imposing such a condition as this before it sets the act in motion.

The Honourable Sir D. M. Petit:—Mr. President,—I wish to oppose the proposition as it is amended by the amendment proposed by the Honourable the Advocate General. I entirely agree with the remarks that have been made by the other speakers who have opposed the proposition and, therefore, I do not wish to go over the same ground that has been laid by them before the Council. But, sir, there is a further objection which I wish to point out to this Council and it is this, that the operation of acquiring land does not begin till a company is formed and the license is granted by Government. All that process takes some months, and by the time the work of acquiring the land commences the shares are quoted in the stock exchange and then they are at a premium or at a discount. What would happen is this. If the shares are at a premium, the cultivator whose land has been acquired would take up the shares, but if they are at a discount, he would, in that case, want hard cash. This, sir, would be a one-sided arrangement altogether and I do not think that this Council should pass a resolution which would give such unfair treatment to the companies and would give such an advantage to the landholders over the companies. I must say, sir, that there is considerable force in the grievances that have been mentioned by my honourable friend Mr. Paranjpye as to the manner in which the Land Acquisition Act is being worked at present. I myself know of several instances where great injustice has been done, but they are at present *sub judice* and therefore I do not wish to allude to them. But, sir, the remedy proposed by my honourable friend is absolutely unsuitable and impracticable and I therefore wish to oppose it. But, if at a later stage he brings a proposition which would ask Government

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to investigate the working of the Land Acquisition Act, I will be glad to support him. As it is, I regret I am unable to support the proposition and I trust the Council will reject it.

The Honourable Mr. C. V. Mehta:—Mr. President,—I entirely agree with the Honourable the Advocate General that the remarks that have been so far made in opposition to this proposition have really gone on the wider principle of the necessity for acquiring land for industrial purposes. I do not wish, sir, to address myself on that subject at all, firstly, because that does not arise on this resolution and, secondly, because the Honourable Mr. Paranjpye wishes to bring it is as a definite issue at the next meeting of this Council. The issue in this case, sir, is to my mind fairly simple. When land is acquired for industrial purposes, the Honourable Mr. Paranjpye merely wishes that the compensation received for the land should be liable to be invested in the shares of that company. I take it, sir, that there cannot be any reasonable objection to give an option of this kind to expropriated owners. It has been pointed out, sir, that most of the companies do in fact give facilities to the owners whom they dispossess. That I know, sir, is a fact and, if that is so, I cannot possibly understand what objection there could be to lay down a condition before land acquisition proceedings take place that, if the cultivators so choose, or if the dispossessed expropriated landowners so choose, they may have a certain number of shares reserved in the concern for whom the acquisition is going to take place. I said, sir, that it is a fact that most companies reserve a portion of their capital for the expropriated landowners. That is borne out by a letter which Mr. Harrison, on behalf of the Belapur Company, Limited, has written to Government. I beg permission to read that letter not only because it bears out the point that I mention, but also because it disposes of the objection which the Honourable Mr. Harchandrai raised as to it being perfectly open to the cultivators to buy the shares afterwards in the open market like any other member of the public. Well, sir, it is in most cases impossible for them to do so. That is pointed out in this letter. He says:—

> "I would explain that when the company was floated the Directors decided to reserve Rs. 50,000 worth of shares for the cultivators whose land was acquired and they also decided to reserve 45 per cent. of the shares for Indians living in the district, but only 2,198 of these were applied for and have been allotted in full, though I understand there are several cultivators who still wish to purchase shares, but until they receive payment for their lands, they are not in a position to do so. We have however definitely reserved 496 shares for such investors and I think this is as much as they will be able to take up."

Well, sir, that shows that until the compensation is made available to the cultivators, they are not in a position to acquire any shares from the company. It also happens, sir, that for any concern that goes in for acquisition of land on an industrially large scale the cost of the land is really a very small part of the capital and it is perfectly easy to reserve, as in the case of the Belapur Company, a small number of shares.

As regards the point that the cultivators would have the advantage in both ways, whether the shares went up or whether the shares went down, I think, sir, that, even if such a contingency arose, those who are permanently dispossessed of the land should have the option of applying for these shares, even if they were quoted at a premium, as they are quoted in the case of the Belapur Company now; in fact, the shares are not available. And yet the directors deliberately reserve Rs. 50,000 worth of shares for the cultivators. I do not think it will create any hardship and I think that it is only fair.

Turning to the wording of the resolution, I am afraid it is somewhat defective, even though considerable improvement has been made in it by the amendment that the Honourable the Advocate General has suggested. You will see that the resolution says that Government be pleased, when acquiring land for a new commercial concern, to do certain things. In the first place, it limits the scope of this resolution to a new commercial concern only. I would, therefore, like to amend the resolution as follows:—

"This Council recommends that Government be pleased, when acquiring land for commercial concerns under the Land Acquisition Act, to lay down a condition that the dispossessed owners be given the option of investing the whole or a part of such compensation for their lands in fully paid up shares in that concern at par, either in the original issue of shares or in any subsequent issue of capital."

The Honourable Mr. R. P. Paranjpye:—I accept both the amendments.

The Honourable Mr. G. S. Curtis:—I would like to ask the honourable member a question. Does not the amendment imply that if Government acquires land for the

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Bank of Bombay, either at headquarters or anywhere else in the district, the landholders are entitled to demand the Bank of Bombay shares at Rs. 500 each?

The Honourable Mr. C. V. Mehta:—We are discussing concerns where cultivators are being expropriated.

The Honourable Mr. G. S. Curtis:—I beg the honourable member's pardon. Does the honourable member imply that the holders of land are entitled to demand compensation, say, of Rs. 2,000, in the shape of four Bank of Bombay shares at Rs. 500 each?

The Honourable Mr. C. V. Mehta:—Replying to the question that the Honourable Mr. Curtis has raised, it seems to me that really the question does not arise at all. My object in amending this resolution was this, that a concern, let us take the case of the Bank of Bombay as suggested by the Honourable Mr. Curtis, goes in for the acquisition of land under the Land Acquisition Act. It is not issuing any capital, either fresh or subsequent. Therefore, in the case of the Bank of Bombay this resolution would not apply. The compensation would be paid in the shape of money. The dispossessed landowners will have no right to ask for the Bank of Bombay shares. ... ...

The Honourable the Vice-President (Sir G. Carmichael):—I think in the subsequent issue of capital.

The Honourable Mr. C. V. Mehta:—That is, if, for the acquisition of that land, the Bank of Bombay is issuing fresh capital, then in that case the landowner shall have the right of investing his compensation in that fresh issue.

The Honourable the Advocate General (Sir T. J. Strangman):—In order to get over the difficulty, may I suggest the phrase "in any issue of capital for the purpose of such acquisition"?

The Honourable Mr. G. S. Curtis:—Mr. President,—I rise to a point of order. The question before the Council is the resolution in the amended form.

The Honourable Mr. C. V. Mehta:—Perhaps the wording suggested by the Honourable the Advocate General would be an improvement. But, if objection is going to be taken to it by the Honourable Mr. Curtis, I think the present wording is good enough to carry out the wishes of this Council. The wording that is suggested by the Honourable the Advocate General may not include cases where capital may not be issued for just the acquisition of land. Therefore I think, sir, it is best to leave the amendment as it stands, particularly as the Honourable Mr. Curtis wishes to take objection to it. In supporting the amendment, I wish to say, sir, that, in the first place, the dispossessed landowners, whether cultivators or anybody else, are entitled to receive not only 15 per cent. in excess of the ruling value of the land under the Land Acquisition Act, but they should be given the option of taking up shares if they wish to do so; and, even if the shares are quoted at a premium, then I think the landowner, particularly if he is a cultivator, has got a sufficient claim to the shares in the company. The amendment will embrace old as well as new companies and will only operate where fresh issue of capital is being made. It will not hurt companies who may have acquired a reserve and are going in for the acquisition of land at a later date and do not require the issue of fresh capital for the purpose of extending their business. In such cases it would be obviously unfair to compel the companies to issue fresh capital merely to allow cultivators to invest their compensation in the shares of the companies. I hope, sir, the original proposition as now amended will commend itself to the Council. As I said, the issue is perfectly simple. We are not concerned with the equity of acquiring land for industrial expansion. I hope that will always be done in the interests of the country. But when such acquisition takes place, if the expropriated landowners wish to have a share in the new commercial enterprises, they ought to be given every opportunity of doing so. Under the rules as they stand at present, they are not in a position to take an interest in the new concerns, because they do not receive their money before the flotation takes place. It is pointed out that the company is formed and the shares are issued and given out to prospective shareholders before land acquisition proceedings take place. That, I think, is an additional reason why shares should be reserved for the expropriated landowners. I hope the resolution as amended will commend itself to the Council.

The Honourable Mr. G. K. Parekh:—Mr. President,—I am opposed to the resolution both in its original and amended form. We have to deal with the conditions of things as they exist. It is no use treating the ignorant cultivators in the same way as the citizens of Bombay. We have to consider whether the amendment in reference to the

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option of shares will really work to the advantage of the people concerned. It is generally accepted that the agriculturists are very ignorant. I should consider that it would always be an advantage to them if some arrangement could be made for housing them and for providing them with lands for cultivation. I think this would be far more agreeable to them than any other arrangement. I really do not know why we should give these illiterate agriculturists the option of taking shares when they really do not understand anything about shares. The result will be that, in most cases, it will not be the agriculturists who will be likely to benefit but some speculators will take advantage of such a concession. Then, again, when the agriculturists want money for acquiring land, you do not give them money but you simply give them paper. That does not help them in any way. The result will be that a man who was at one time an independent landowner is likely to sink into a day labourer. The concession is not likely to do the slightest good to the persons who are dispossessed of their lands. I therefore oppose the amendment.

The Honourable Mr. R. H. Brooke:—Mr. President,—This resolution has been discussed at very great length and I therefore do not wish to say much. All that I want to state is that I am strongly opposed to the resolution both in its original form and as it now stands amended. I object to legislation which makes it imperative for a company to allot a certain number of shares to a person or a class of persons irrespective of whether that person or class of persons may be desirable or undesirable shareholders. I think I agree that, where possible, companies should be encouraged to give shares in the way suggested. But I strongly object to a condition being laid on companies that they should set apart a certain number of shares for a certain class of persons.

The Honourable Rao Saheb H. D. Desai:—Mr. President,—I have much pleasure in heartily supporting the resolution of the Honourable Mr. Paranjpye in the form in which it has been amended. I am not a Bombay man but one from the country-side. I have the fullest sympathy with the plight of the people who have to lose their lands and homes in favour of a commercial concern. Some of the speakers have rather lost sight of the value of the word " option " in the resolution of the honourable mover. I do not agree with the Honourable Mr. Brooke or the Honourable Mr. Parekh that it would not suit the cultivators to have such an option. We are not enforcing any particular condition on the expropriated owners of land. We are simply providing an alternative which, if they choose, they may avail themselves of. The Land Acquisition Act provides ordinarily for money compensation and the compensation could also be in the shape of land. In some cases people prefer to have lands instead of money. Now, when people round about industrial centres are becoming acquainted with the value of shares in commercial concerns, they may like to have an option of receiving compensation in the form of shares. The object of the resolution is to request Government to give such a facility which they can give under the Land Acquisition Act, as it stands at present. The Honourable Mr. Harchandrai perhaps committed an oversight with reference to the provisions of the act. I agree with the Honourable the Advocate General in stating that there is nothing in the act to prevent Government from making such a condition. Section 39 of the act distinctly provides that the provisions of sections 6 to 37 shall not be put in force in order to acquire land for any company, unless with the previous consent of the local Government, or unless the company shall execute the agreements hereinafter mentioned. And section 41 of the Land Acquisition Act provides for such an agreement and the nature of it. The provisions of section 41 leave it open to Government to make such a condition on a company which wants land to be acquired for its purpose. At such a time they could very well impose it as a condition that the company shall reserve certain shares which may be given out to expropriated owners of land in case they desire to have them. I do not think there would be anything wrong in making such a condition.

The Honourable Mr. Sethna said that any person who is acquainted with business would not accept the Honourable Mr. Paranjpye's resolution.

If anyone who differs from his view is not a business man, I certainly would not be sorry for not being in the category of the Honourable Mr. Sethna's definition. But I do feel that the Honourable Mr. Sethna takes rather a very narrow view when he says that a company ought to be at liberty to acquire lands of owners in the country-side and make money out of it in that concern and yet the owners, with whose money they are going to make money, ought not to have the option of saying that they ought to have some share in the profits. That I submit is a narrow view.

The Honourable Mr. Purshotamdas Thakurdas gave the instance of having a part of his residence at Lanauli being taken up. Of course, he has several residences and if one

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of them goes away that would not much matter to him. But that is not the case with the country-side people and the villagers losing their own homes for a little sum of what compensation the land acquisition officer for the time being chooses to give them. For it is everything to them and they should be allowed under the act the choice of having land for land or of having shares for which the resolution pleads. I think there is nothing wrong in it when all round there is an industrial boom and when capitalists from Bombay think out large schemes for the benefit of the public and approach Government on the ground that such a scheme is for the benefit of the public and say to Government " Please therefore give us the benefit of the Land Acquisition Act " it would be open to Government to say " We will give you help but, at the same time, we will insist that those landowners whose lands you will take away, if they want any shares in your company, you will have to give them some shares ". I think that is all that is wanted and I do not see why there is a narrow objection raised by the capitalists in Bombay to such a reasonable demand on behalf of the people whose homes are taken away for a commercial concern.

The Honourable Mr. Rupchand Bilaram :—Mr. President,—I oppose this resolution as also the form in which it is framed on two grounds : (1) that it is opposed to the principle underlying the Land Acquisition Act, which is an Imperial act, and (2) that it is not practicable. I take the principle underlying the Land Acquisition Act to be that compensation is to be given to a landholder not according to the price that would be paid for it by a purchaser but he is to be given the fair market value of the land on the day on which the notification is issued. He is also to be given 15 per cent. over and above such market value as compensation for inconvenience and hardship, sentiment and all other things.

If that is the underlying principle of the act, which is an Imperial act, is there any reason why we should get over an Imperial act by asking Government to make it a condition that the compensation which is to be paid should not be the only compensation, which is the fair market value of the land plus 15 per cent, but that it shall vary according to the purse of the purchaser or according to the use to which the land is to be put? The resolution as worded, of course, does not convey that meaning, but let us see what it comes to. It only comes to this, that if there is a particular concern which is about to be started by men of light and learning, which is bound to be a success and the shares are likely to go to a premium, and the land is going to be put to good use, the compensation shall be not only the price of the land plus 15 per cent but to that should be added the premium of the shares in the concern; in other words, if the land is worth Rs. 500 the landholder will be entitled not only to Rs. 575 but he shall get something more, and, if the land is being acquired for a company like the Bank of Bombay, the landholder while getting the shares at par will get for Rs. 575 Rs. 2,000. It is quite contrary to the principle underlying the Land Acquisition Act, and I submit that there may be certain cases of hardship but, on account of these cases of hardship, we are not going to suggest to Government to go contrary to the principles of an Imperial act and to lay down conditions.

Then the next point I want to deal with is that, when a company is started, it is open to the promoters to reserve certain shares as fully paid up shares. But ordinarily a company cannot commence business unless it has allotted certain shares and has got the registrar's certificate to commence business. Now, the promoters do not know whether their shares will be taken up by the persons whose land they are acquiring. They reserve certain shares for allotment to the landowners. As the determination of compensation under the Land Acquisition Act sometimes takes two to three years, it may be that at the end of that period the shares will be at a discount and the landowner whose land has been acquired will want his compensation in cash, with the result that these shares will be sold by the company in the market at a discount, so that the company has not only to pay the price of the land plus 15 per cent, but it has also to be out of pocket to the extent of the difference in the depreciation of the shares. But if the shares have gone up, the company will have to pay, besides the price and 15 per cent compensation, the profit or the premium, as additional compensation.

The Honourable Mr. Paranjpye said that the ryot would like to have shares. But does the ryot really want shares, or the land in substitution? I can understand the poor cultivator saying that he wants some land in lieu of his own land which is being acquired. If the ryot is given the shares, such shares will not remain with him but will go into the hands of some rich landlord because what the ryot really wants is hard cash for the purchase of some other land immediately. Now, out of the landholders of these 25 or 30 villages, who have been referred to by the Honourable Mr. Paranjpye as dispossessed, only one or two will probably invest their money in shares and try to make a bargain out of it.

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The only reason, or rather one of the reasons, which the Honourable Mr. Paranjpye gave in introducing this resolution was that formerly lands were being acquired for public utility but that now they are acquired for the benefit of speculators or the promoters of companies who are speculators in shares. It may be that promoters are not philanthropists. They think out a scheme. They know that it will work and know that by floating the company and under-writing the shares they might be able to make the concern a success. If the shares go up, why should we grudge this little profit to those promoters and why should we call them speculators, especially at this time when there is a universal cry for the development of industries? Is it right that we should put a spoke in the wheel of promoters who start companies for the industrial welfare of India?

I submit, sir, that not only is it not competent for us to suggest any such measure but that it is not proper nor practicable and therefore I oppose it.

The Honourable the Vice-President (Sir G. Carmichael):—Does the Honourable Mr. Paranjpye accept the amendment moved by the Honourable Mr. C. V. Mehta?.

The Honourable Mr. R. P. Paranjpye:—I accept the amendment moved by the Honourable Mr. C. V. Mehta.

The Honourable Mr. G. S. Curtis:—Mr. President,—We have had an interesting discussion on this resolution. But the resolution as finally placed before this Council differs from the resolution which I thought I should have to meet with when the matter was taken up last evening. When I read the resolution in its original form I imagined that it was a peculiar form of claiming compensation.

When I came to the Honourable Mr. Paranjpye's speech I heard for fifteen minutes a good deal of abuse of the policy of Government in applying the Land Acquisition Act and a good deal of abuse of the methods of company promoters in Bombay among them being the promoters of companies which bear the honoured name of Jamsetji Tata. This morning we heard other comments on the resolution and it appears, as I said, that the final form of the resolution is entirely different from what it was originally and I have, therefore, to speak on two general points.

First of all, the Honourable Mr. Paranjpye has threatened us with a revival of the discussion in August next. But I venture to remind this Council that there is a rule, No. 24, which forbids honourable members of this Council to bring up the same subject twice in twelve months. We have discussed this matter for two hours and a quarter and I must warn the honourable gentleman that if he does bring a resolution involving the same subject again in August next, I shall raise a strong objection to any further discussion on the general question.

Now the second point of general importance is, what are the principles that guide Government in applying the Land Acquisition Act for the acquisition of land for concerns industrial? They are all laid down in the report of the Industrial Commission which adopted the principles already applied in this Presidency.

The Industrial Commission in the chapter on land acquisition in relation to industries recommended—

"That a Local Government may acquire land compulsorily from private owners on behalf of an industrial concern when it is satisfied, (1) that the industry itself will, on reaching a certain stage of development, be in the interests of the general public; (2) that there are no reasonable prospects of the industry reaching such a stage of development without the acquisition proposed; (3) that the proposed acquisition entails as little inconvenience to private rights as possible consistently with meeting the needs of the industry."

These are the principles which have actuated Government in the acquisition of land in this Presidency.

As the Honourable Mr. Mead has told this Council, acquisition under this act is only effected after a great deal of discussion and experiment. The Honourable Mr. Mead himself has endeavoured as far as possible to acquire a proper site for the Belapur Company by negotiation and persuasion but, when he failed, we applied the sledge hammer of the act and the land in question was acquired under the machinery of the Land Acquisition Act.

Now, sir, as regards the immediate principle, I venture to think that on the grounds so ably put forward by so many speakers I cannot accept it, and this Council will not wish it to be accepted. It is quite clear that the original resolution, which covered new commercial concerns only, could easily be circumvented. It would be easy to start a new

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factory or a new railway as an off-shoot of an old concern and then the resolution would not apply.

Then, the Honourable Mr. Mehta says "Oh yes, any company who acquires land shall pay compensation to such landholder in the form of shares in the original concern at par." Well, I still say my original objection holds good.

The Honourable Mr. C. V. Mehta:—My amendment is this:—

> "That this Council recommends that Government be pleased, when acquiring land for a commercial concern under the Land Acquisition Act, to lay down a condition that the dispossessed owners shall be given the option of investing the whole or a part of such compensation for their lands in fully paid up shares of the concern at par either in the original issue of shares or in any subsequent issue of capital."

The Honourable Mr. G. S. Curtis:—Well, what I mean is this. If Government acquired land under the Land Acquisition Act for the Bank of Bombay and the acquisition officer recommended that a landowner should receive Rs. 2,000, then under this resolution the owner would be entitled to claim that four Bank of Bombay shares at par be given to him and the Bank of Bombay would have to buy those four shares, no matter what price, and deliver them to the owner. To take another instance, if the Tatas want to extend their works and land is acquired under the Land Acquisition Act and if the dispossessed cultivator is entitled to Rs. 5,000 and demands five one thousand rupee shares, the Tatas have to purchase those shares, whether the price is Rs. 1,250 or Rs. 1,500, or whatever it may be, and give them to the cultivator. I think that shows that it is not a suitable procedure.

On general grounds it seems to me that the proposition is open to objection altogether. Everybody knows that we are dealing in this matter with a very ignorant class of people and, if Government gives them the option of taking shares, the ignorant cultivator will believe that there is some guarantee by Government behind the concern. Now I know a good many concerns where a guarantee could perhaps be given. I know of a concern in Poona district. Their shares stand at the present moment at Rs. 75. If Government had given the option of taking compensation money in the shape of shares at par and if the shares later on could be had at a discount, I do not think that would be doing the ryot a very good turn. Of course, Government, as a rule, are careful as to the character of the concern for whose benefit they put the powerful machinery of the Land Acquisition Act into motion, but, after all, Government cannot tell whether in three or four years' time the venture would make a profit or not. In any case, it is just possible that no dividend may be paid during that period and the ryot will be left without any return for his money. Further, sir, those who know the rural tracts can at once realise the state of affairs in such an event. The ryot would be very likely to be surrounded by a horde of sharks in the stock exchange of Bombay who would buy up the shares at a discount of 30, 40 or 50 per cent. I submit, sir, that in the ryot's own interests it is very much better that he should take his compensation money in cash in the ordinary way and, if he really wants to invest in the shares, he can go and negotiate with a broker in the share market.

The principal object of the whole acquisition proceedings is to avoid delay, avoid complexity and avoid misunderstanding. Once we introduce a system like the one proposed by the honourable mover and bring in the stock exchange, we shall introduce complications and delay in our acquisition proceedings and eventually do a great harm to the institutions themselves. We have on the whole a very simple and a very efficient method of land acquisition. I submit, sir, that we should keep to that method which has been working for some time and which we all know is based on principles of equity. I submit, sir, that to graft on that something which the various forms of the resolution suggest would be a very great mistake and would have a far-reaching effect. I ask this Council, therefore, to reject the resolution.

The Honourable Mr. R. P. Paranjpye:—Mr. President,—I think that the Council will agree that the resolution that I have proposed has led to a very interesting discussion and it has brought forward, I think, one point, that to a certain extent the interests of the Bombay business men are opposed to the interests of the people outside. The question is, how far these interests are to be reconciled. In any case, I do certainly wish to proceed with the further industrial development which is in the interests of the country as a whole, but the question is, how far the hardships caused to the people affected by acquisition of

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their lands can be mitigated if not altogether removed. In the resolution which I proposed and as now modified I have proposed a very small measure indeed, but the attitude taken up by some of the honourable members shows what are likely to be the future points of antagonism between the different sections of our reformed Councils. It only gives some idea of the very great conflicts that are in store for us, if even a small measure of this character is to be opposed by people whose one and single object is to make profits out of land and against the sentiments—unreasonable occasionally though they may be—of the people of the Presidency. Let me first of all meet the personal objection of my honourable friend Mr. Sethna. He charged me with being a layman in these matters and he considered it presumptuous on my part to bring forward a resolution of this kind and he appeared to think that it is only the concern of business men. I beg leave to tell my honourable friend and the Council that I have brought forward this resolution in the interests of the people whose lands are wrenched away from them and whose associations for thousands of years are to be broken up in this manner. Those people are certainly much more concerned in this matter than people who make profits out of the lands of these people and sit in Bombay and enjoy all the thousand and one luxuries which money provides. It is, therefore, not a question merely of a business man bent on making profits, but it is a larger question and every man to whom the ties of land are dear is fully entitled to take a keen interest in matters of this nature. I am not dealing at all with a technical matter of business—I should refuse to do so—but it is a question which affects the wider public and I therefore have thought it my duty to ventilate this question in the Council.

Then, there was an objection on the part of the Honourable Mr. Purshotamdas that all this agitation was engineered by pleaders, who seem to be a red rag to business men like my honourable friend Mr. Purshotamdas. I might tell him that the few pleaders who have taken part in these proceedings are not there as pleaders, but they are there as landowners and they find their lands are being taken away from them. I hope the Honourable Mr. Purshotamdas does not believe that because a man has entered the profession of a pleader, he has to restrict himself to his profession and all his qualities as a man or as a landowner are to be immediately done away with, and I hope that his argument will not be introduced in a case like this and that unnecessary feeling will not be caused on that account.

The Honourable Mr. Purshotamdas Thakurdas:--I only stated what my information was from official sources.

The Honourable Mr. R. P. Paranjpye:—That is exactly so. That just proves my case. People sit in Bombay and get information from interested people. That is an underhand method of getting information. It is such unreliable people that supply the information, and you are to regard that information as gospel truth. We know exactly what the things are, and it is therefore that I am bringing forward this point.

The Honourable Mr. Purshotamdas Thakurdas:—I strongly object to the word "underhand" used by the honourable member. I am a director of the Tata Power Company. I do not presume that the Honourable Mr. Paranjpye has actually been on the spot either.

The Honourable Mr. R. P. Paranjpye:—I only point out that the Honourable Mr. Mead himself admitted all the irregularities, and it does not lie with the Honourable Mr. Purshotamdas to deny that some of these irregularities have actually occurred.

There were various arguments brought against my proposition, and one of those arguments was that the cultivator was an ignorant man and that he did not know his own interest. Several of my honourable friends have answered that objection. I am only offering to the ryots the option of receiving the shares in this manner. It is not a compulsion on them to receive these shares. If a landholder who has been dispossessed in this manner thinks that even in this attenuated form he wants to keep up his connection with the land by holding shares in a concern for which his land has been utilised, he ought, I think, to be given an opportunity to do so. The Honourable Mr. Sethna said that such acquisition will bring great prosperity to them. I would like to know how the acquisition of a man's land for a hydro-electric scheme brings prosperity to him. All his land is under water, and, as it is the land that he is interested in and as he wishes to live on it, I do not know how that gives him any satisfaction or prosperity. Of course, I have not so far heard of any invention which would permit of a man living under water.

There are various other points, but I am very glad that my honourable friend Mr. Chunilal Mehta has supported me in my general wish to get this suggestion accepted,

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and I am particularly pleased that the Honourable the Advocate General also has sympathised with my suggestion in this matter.

The difficulties that were pointed out by the Honourable Mr. Harchandrai and others about law, you will find, are already removed in the case of certain concerns. The very fact that the Belapur Company have already got a condition like that in their agreement shows that the suggestion is not impracticable, and I think that under the Land Acquisition Act itself Government, over and above the conditions laid down in the act, are given a pretty wide latitude in imposing any further conditions, before they agree to apply the act. The widest latitude is given to Government, and I only wish by my resolution that Government shall use these wide powers, before applying the act in the case of such concerns, for their convenience.

There was an objection by the Honourable Sir Dinshaw Petit about the shares being at a premium, in which case the landholder only will make use of this concession and not the others. I do really desire that the landholders should get favourable concessions of this nature; that is, in fact, the object of my proposal.

Another objection that was raised was that several times these concerns have got to lock up their capital for long periods of years before the concerns begin to show any dividends. But I believe that there is a clause in the Companies' Act under which certain companies pay dividends out of capital till the capital begins to earn. That may be one way in which the expropriated landholders may not be put into difficulty on account of their having to live without anything at all, until the shares begin to earn dividends. What I want to point out is that, if you really intend to conciliate the landholders and not to ride rough-shod over them, there are hundreds of ways in which you can meet them and in which you can foster the industrial progress of the country without making the owners of these lands suffer.

We have often been told that these expropriated labourers will find a great market for their labour. It is expected that these people, when they are expropriated, will stick to these places and remain there as labourers. I do not think that it is in the wider interest of the public that these people should remain hewers of wood and drawers of water. I want these people to get some interest in these commercial interests and not that they should end their life as labourers.

As I have said, in the beginning of my remarks, my resolution has given rise to an interesting discussion. I promised that I would bring forward some more constructive suggestions, but I was rather terrified by the prospect of a further resolution on this matter being possibly disallowed by Government. All that we have been considering here is only one small suggestion. If another resolution is brought forward by me, bearing on a different aspect of the matter, I think myself that some of us at any rate will consider it a very high-handed use of the rules of procedure in the Council, if, because one part of the act has been discussed in the Council, another suggestion bearing on another part of the act is disallowed on that account.

The Honourable Mr. G. S. Curtis:—May I ask the honourable member what part of the Land Acquisition Act has been discussed, in his view?

The Honourable Mr. R. P. Paranjpye:—Among the conditions that Government should impose upon the companies there should be this condition. Of course, it is in the hands of the Government and the President of this Council to use the rules of procedure in any way they like. Unfortunately, the Council cannot have very much to say about that, but I do hope that this bludgeon will not be used in burking further discussion on a different point altogether.

The discussion has given rise to the ventilation of certain grievances. The very fact that these questions have been brought before the Council will have very great effect upon the way in which some other parts of the act are actually worked. I hope, therefore, that the Council will agree that, so far as my immediate purpose is concerned, the discussion has served its purpose. I do not propose to divide the Council on this matter just now. Next time, I hope to get the considered opinion of the Council by votes. I therefore ask for permission to withdraw the resolution.

The Honourable the Vice-President (Sir G. Carmichael):—With regard to the Honourable Mr. Paranjpye's remarks on the subject of a further resolution which he proposes to bring before this Council, if it is a resolution bearing on a different aspect of the matter and is otherwise in order, I have no doubt that it will be allowed by Government.

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What the Honourable Mr. Curtis wished to bring out was that, in discussing this particular resolution dealing with a very small point, which may of course be of importance to a large number of people, the Honourable Mr. Paranjpye has traversed the whole of the ground.

The resolution was by leave withdrawn.

The Honourable Mr. C. V. Mehta :—On a point of order, Mr. President, I should like to know whether it is permissible for the Honourable Mr. Paranjpye, when he has accepted my other amendment, to withdraw the resolution.

The Honourable the Vice-President (Sir G. Carmichael) :—Does the honourable member wish to have this resolution put to the vote?

The Honourable Mr. C. V. Mehta :—Yes, sir,

The Honourable the Vice-President (Sir G. Carmichael):—Before putting the resolution to the vote, I should like to say a few words with regard to the attitude of Government. I think honourable members will agree, after hearing what the Honourable Mr. Mead and the Honourable Mr. Curtis have said, that Government have taken every care that those who have been expropriated in the interest of these industrial concerns have received every possible consideration, and endeavours are being made to give them every possible help in starting their life anew in some other locality.

I may further mention, with regard to the Belapur case, that the first idea was that when water became available for the land, the whole of the land should be redistributed, allotting certain portions to the Company and certain portions to the cultivators, in proportion to their previous holding, and the proportion of the land which would have been left with the cultivators would have been more valuable with the water than their former holdings were without irrigation.

The doubt which we feel at present with regard to this method of compensating the cultivators is that, if such a condition is imposed by Government on the company for whom the land is to be acquired, the cultivator may regard it as a sort of guarantee that the company will certainly return the value of the money which he puts into it. Government cannot undertake to give a guarantee of this kind, nor can anyone else. The Honourable Mr. Paranjpye said that there is a provision in the Companies' Act under which companies may pay out dividends before they begin to earn anything. That is perfectly true. Supposing a company is over-capitalised, they may be able to pay up for some time, but there may be nothing later on out of which to make any payments. For these reasons, Government are not inclined to insert a condition of this nature in the agreement which is made before the land is acquired.

The resolution as amended was put to the vote and lost, 13 members voting for and 21 against it. The Council divided as follows:—

AYES.	NOES.
The Honourable Mr. Dattatraya Venkatesh Belvi, LL.B.	The Honourable Sir George Carmichael, K.C.S.I., I.C.S., *Vice-President.*
The Honourable Mr. Sheriff Devji Canji.	The Honourable Mr. G. S. Curtis, C.S.I., I.C.S.
The Honourable Mr. Pandurang Anant Desai, LL.B.	The Honourable Sir Ibrahim Rahimtoola, Kt., C.I.E.
The Honourable Rao Saheb Harilal Desaibhai Desai, LL.B.	The Honourable Mr. Rupchand Bilaram, LL.B.
The Honourable Rao Bahadur Siddhanath Dhonddev Garud.	The Honourable Mr. R. H. Brooke.
The Honourable Dewan Bahadur Kashinath Ramchandra Godbole.	The Honourable Mr. F. Clayton.
The Honourable Shaikh Ghulam Hussein Hidayatallah, LL.B.	The Honourable Mr. J. G. Covernton, C.I.E.
The Honourable Mr. Balkrishna Sitaram Kamat.	The Honourable Mr. R. E. Enthoven, C.I.E., I.C.S.
The Honourable Mr. Chunilal Vijbhukhandas Mehta, LL.B.	The Honourable Mr. J. D. Jenkins.
The Honourable Rao Bahadur Venkatesh Shriniwas Naik.	The Honourable Khan Bahadur Pir Baksh walad Mian Mahmud.
The Honourable Mr. Raghunath Purshottam Paranjpye.	The Honourable Mr. P. J. Mead, C.I.E., I.C.S.
	The Honourable Mr. Gokuldas Kahandas Parekh, LL.B.

LAND ACQUISITION FOR NEW COMMERCIAL CONCERNS—ANGLO-VERNACULAR SCHOOLS IN SIND.

[17TH MARCH 1920.] [*The Vice-President; Shaikh Ghulam Hussein Hidayatallah.*]

AYES.	NOES.
The Honourable Rao Bahadur Ganesh Krishna Sathe, C.I.E.	The Honourable Sir Dinshaw Manockjee Petit, Bart.
The Honourable Mr. Shridhar Balkrishna Upasni.	The Honourable Mr. Munmohandass Ramji.
	The Honourable Mr. L. Robertson, C.S.I., I.C.S.
	The Honourable Mr. C. N. Seddon, I.C.S.
	The Honourable Mr. Phiroze C. Sethna, O.B.E.
	The Honourable Mr. H. O. B. Shoubridge, M.Inst.C.E.
	The Honourable Colonel J. B. Smith, C.B., I.M.S.
	The Honourable Mr. Purshotamdas Thakurdas, C.I.E., M.B.E.
	The Honourable Mr. Harchandrai Vishindas, C.I.E., LL.B.

The Honourable the Vice-President (Sir G. Carmichael):—Resolution No. 7. The Honourable Shaikh Ghulam Hussein Hidayatallah.

"This Council recommends to His Excellency the Governor in Council either to open Anglo-Vernacular schools in central places in the various sub-divisions in Sind, or to make provision for the teaching of English in the vernacular schools in important places."

The Honourable Shaikh Ghulam Hussein Hidayatallah:—Mr. President,—The first part of my resolution relates to the opening of Anglo-Vernacular schools at some central places in each of the sub-divisions of Sind. I might say that there are 7 districts in the province of Sind and about 16 sub-divisions. These Anglo-vernacular schools I want to have in each of the sub-divisions to afford facilities for English education to the people of rural areas. Those who know Sind will bear me out when I say that the people of the rural areas have not yet taken advantage of English education, because English schools have not been provided within their easy reach. Yesterday my friend the Honourable Mr. Upasani asked for a civil court in each of the talukas in the Presidency on the ground of convenience to the ryots who have to cover long distances in connection with their ruinous litigation. Now, I ask for a school not for each of the talukas but for each sub-division of Sind. If this is feasible, I am sure these schools will improve and better the conditions of the people of the rural areas.

If the first part of my resolution is not found feasible for some consideration or other, I have an alternative proposal which seeks to make provision for the teaching of English in the existing vernacular schools, not in all the schools, I say, but in important places only. So the latter part of my resolution is a very moderate one, and I hope this Council will accept it.

The object of my resolution is to better the condition of the people of the rural areas who, owing to the great inconvenience and the large expenditure they have to incur, do not take advantage of English education. It is the people of the rural areas in Sind that contribute most largely to the coffers of the State. It is the people of the rural areas in Sind that are the backbone of the country, and I am sure Government will not be unmindful of the educational needs of the inarticulate and helpless lakhs and lakhs of people residing in the rural areas.

First, I should like to show this Council what Government has done in Sind in the matter of English education. They have up to now opened 4 high schools though there are 7 districts in Sind. That means not everyone of the districts has yet got a high school. And where are those 4 high schools located? They are in the big cities, far away from the rural areas. Besides these 4 high schools, recently Government have allowed the teaching of English up to the third standard in five of the existing vernacular schools. From the information that I have got from the educational inspector, I find that one of these 5 schools is not working because Government cannot get a teacher. I am very much surprised to learn this. If the teachers are well paid, I do not know why they cannot be

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had. Besides these 4 high schools and 5 schools where provision is made for the teaching of English, there are aided high schools. But those aided high schools are again in the big cities, far away from the rural areas. There are not only aided high schools in big cities but there are Anglo-vernacular schools also. I must admit, however, that there are some Anglo-vernacular schools in rural areas also. The people of the rural areas have realised the value of education and they are now taking to it in increasing numbers. But all that they want is greater facilities for schools. It might be said that it is the fault of the people residing in the rural areas not to take advantage of the existing high schools and the Anglo-vernacular schools that are in the big cities. But it is absurd, sir, to expect boys of tender age—and we all know that boys begin their English schooling from their 7th, or 8th or 9th year—to go long distances from the heart of the country to the big cities with the present inconveniences of railway communication in Sind, with the difficulty of procuring accommodation in the big cities, with the necessity of having a guardian to look after them and the large expenditure that they have to incur in going from their small villages to a big town. Therefore I submit that it is absolutely necessary that the people of the rural areas ought to be provided with more schools for the teaching of English.

In the alternative proposal, I have suggested that provision be made for this purpose in vernacular schools, because we know that in the vernacular schools the subjects that are taught in the higher classes are the same as are taught in the first three English standards. All that is required is a provision for the teaching of English in such vernacular schools, and that won't cost Government much.

Another very important point is, sir, that Government have accepted the principle of responsible government and given a very large representation to the rural areas. I know the conditions of my province. This large representation will not be of any good to them unless you give them schools where they can learn English, because the medium through which speeches will be made in this Council will be English, unless some language is evolved which would be common to the Sindhis, who speak Sindhi, the Gujaratis who speak Gujarati, and the people of the Central Division who speak Marathi. So the large representation given to rural areas will be of no avail unless they are provided with schools where English is taught. With these remarks I place my resolution before this Council.

The Honourable Mr. S. B. Upasani:—Mr. President,—I am glad to be able to heartily support this resolution. This is a matter which we have been pressing on Government for a long time, and we hope they will now take it up in earnest. I, however, think it would be better if the proposal, instead of being restricted to Sind, was also extended to the presidency of Bombay. I would, therefore, move an amendment that, in place of "Sind," the words "the Presidency" be substituted. With this reservation I heartily support the resolution.

The Honourable the Vice-President (Sir G. Carmichael):—I must rule this amendment out of order. The resolution contains a specific proposal with regard to Sind.

The Honourable Mr. S. B. Upasani:—In that case, I heartily support the resolution as it stands.

The Honourable the Vice-President (Sir G. Carmichael):—The Council will now adjourn till 3 p.m.

The Council then adjourned for lunch.

After lunch.

The Council re-assembled at 3 p.m.

The Honourable the Vice-President (Sir G. Carmichael):—Order, order. Further consideration of resolution No. 7.

The Honourable Khan Bahadur Pir Baksh:—Mr. President,—I heartily support the resolution moved by my honourable friend Shaikh Ghulam Hussein Hidayatallah before this Council, and I endorse every word that fell from him in support of the resolution. The need for English schools in Sind is a real one and the existing schools are in some places located at a great distance from one another, so much so that the persons of even moderate means and willing to give English education to their children cannot afford to send their boys to the schools.

I am thankful to Government that they have been pleased during the past three or four years to grant yearly a lakh of rupees for Mahomedan education and, though it is a real boon, it is not sufficient for the existing demands. Honourable members of this Council are well aware that the local boards in Sind are not able from the financial point

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of view to open classes for English teaching in vernacular schools and it is therefore very necessary that Government will consider this resolution favourably.

I know my honourable friends take keen interest in matters of education and I hope that they will now treat the province of Sind in the same manner as the Presidency proper.

The Honourable Mr. D. V. Belvi:—Mr. President,—I wish to support this resolution heartily. I do not profess to know the local conditions which are prevalent in Sind. But my impression is that Sind is a large province, its population being about 38,00,000; of this population about 5,00,000 is urban, and the rest is rural. The area of Sind itself is about 48,000 square miles, and my impression is that Sind is educationally backward.

I shall tell my honourable colleagues something which may amuse them. When I entered this Council I had the pleasure of sitting by the side of an honourable member from Sind. I had not then the pleasure of knowing him personally. I was formally introduced to him by my honourable friend Mr. Bhurgri and when I met him the next day I wished him good-morning but the gentleman did not return the courtesy. I grew suspicious and I made inquiries of the Honourable Mr. Bhurgri. I was told that the real reason of his not returning the courtesy was that he could not understand English even to the extent of understanding me when I said "good-morning" to him. He was my honourable colleague for 18 months and I have no doubt that some of my friends in the Council did manage to explain to him the proceedings in Sindhi. This only shows that, even in the case of gentlemen who are returned to this Council from Sind, sometimes we find that there are gentlemen who do not happen to know English. I do not think this is a very desirable state of things. I do not mean that every gentleman who comes from Sind is ignorant of the English language. We know that there are members and members and at the present moment I find that all my honourable friends from Sind are eloquent speakers in English. It seems to me that in Sind English education has not made much progress.

It is our duty as honourable members of this Council to assist a province that shows an express desire to have as much English education as possible. I support this resolution on general grounds and I earnestly ask the Honourable Member in Charge to see that English education is spread in the province of Sind.

The Honourable Rao Bahadur V. S. Naik:—Mr. President,—I have great sympathy with the resolution brought forward by the Honourable Shaikh Ghulam Hussein Hidayatallah who asks Government in this resolution to open Anglo-vernacular schools in central places in Sind. When he speaks of sub-divisions I understand he means taluka places where there are municipalities. I should like to state my experience in my district with regard to this. In my own place we have started an Anglo-vernacular school and have been managing it on a self-supporting basis for about six or seven years. I am glad to say that it is not only self-supporting but it leaves something to the municipality for meeting expenses, such as equipment and other things. If the municipalities were to venture and start such schools, I am sure secondary education would be greatly spread on self-supporting lines. In my taluka school maintained by the municipality there are about 150 boys; with the fees, which are equal to Government fees, and with a grant from Government equal to one-third of the cost on the school during the previous year we are able to make our school self-supporting. I, therefore, should like to suggest that, if the municipalities were to undertake to open secondary schools, they should be self-supporting and Government should always be ready to give them the usual grant. I therefore suggest that, before asking Government to open these schools, the Honourable Shaikh Ghulam Hussein should rather move the municipalities in Sind to start such schools and, if they venture to do so, I am sure that they will be on a self-supporting basis.

The Honourable Mr. R. P. Paranjpye:—Mr. President,—I have also great pleasure in supporting this resolution. Under suggestions from various honourable members Government are at present working an experimental scheme for the teaching of English in full primary schools and the scheme has now, so far as I understand, been going on for a year and, although complete results cannot be got at present, at any rate some conclusions can be drawn from the way in which the scheme is at present working.

I myself no doubt thought the scheme will succeed and in a very few years we shall have this provision of English teaching not only in the experimental schools and not only in those few places in Sind to which my honourable friend refers in his resolution, but I

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hope that within the next five years we shall have this system working all over the Presidency in all places where there are big full primary schools.

The resolution, referring, as it does, to Sind which is backward in point of education, deserves the utmost sympathy from Government and I do hope that Government will stretch a point, even before the actual experiment is proved to be a success, and extend the experiment at least in Sind.

As regards the experience of my honourable friend Rao Bahadur Naik of conducting Anglo-vernacular schools, it must be a very rare one indeed. He thinks that schools like these could be self-supporting and would leave a margin. But it must be a very exceptional state of things. I do not think that we can expect all these schools to be in the happy position of the school at Ranebennur. I do think that Government will have to spend something for the purpose of separate Anglo-vernacular schools, and, even for the purpose of introducing English in full primary schools, Government will have to go to the expense of something like Rs. 800 on each probably. But I think the expenditure, even to this extent, will not be of a very heavy nature, as I understand there are only sixteen sub-divisions of the districts in Sind and so, after all, it means an expenditure of Rs. 10,000; and, seeing that Government have already committed themselves to spend over a lakh for the purpose of encouraging education in Sind, the money will not be a matter of difficulty. I do hope, therefore, that Government will look at the resolution with sympathy and that the Council will accept it.

The Honourable Mr. J. G. Covernton:—Mr. President,—I rise in no spirit of hostility to this resolution but in order to put before the Council the actual facts as they stand with regard to the class of schools referred to. At present we have in Sind no less than 38 English teaching schools. Five of them are teaching up to standard VI, ten teaching up to standard V, thirteen up to standard IV and ten up to standard III. Now amongst these 38 schools I do not include the four Government high schools, nor the municipal high school at Sukkur, nor the aided high schools in Karachi, Hyderabad, Bhiria and Shikarpur, nor any girls' Anglo-vernacular school. I may mention for the information of the Council the places at which these smaller English schools exist. They are as follows:—

> Tharushah, Naushahro, Nawabshah, Mithi, Pithoro, Kotri, Tatta, Rohri, Sehwan, Kambar, Ratodero, Jacobabad, Hyderabad, Karachi, Nasarpur, Pad Idan, Bhelani, Mithiani, Kandirao, Tando Adam, Hallani, Sukkur, Garhiyasin, Larkana, Talti, Mehar, Dadu and Bungaldero.

In addition to these schools, there are the English classes which have been recently started in the vernacular primary schools. So I think that the Council will see that whatever may be the present demands of Sind, Sind has not been altogether left without resources in this connection and that even some quite small places have now got English schools.

I am not quite clear, I must confess, as to what the honourable mover of the resolution wants. He talks of Government opening Anglo-vernacular schools. I think he must be aware that hitherto, at any rate, the policy of Government has been, in the matter of secondary education, to encourage private enterprise and I think we have to consider whether, if Government is to open a large number of Anglo-vernacular institutions directly under its control, that would be exactly in accordance with the policy of encouraging private enterprise or effort in English education. At present a good many schools are run by private managers and, when I visited Sind last month, I saw a number of these managers and I discussed their difficulties with them. As far as I could understand them, they did not seem to be in favour of Government starting more schools; what they said was "Give us higher grants than we get at present and then we shall be able to carry on better"; so that I think it is a matter for consideration whether in opening a large number of Government schools you would not crush many aided managers.

As regards the other issue raised in the resolution, namely, that we should extend the experimental system of English classes attached to vernacular schools, there again I am by no means hostile to the suggestion, but I would ask the Council to consider whether it is not a little premature to consider this question now. That experiment has only been started less than a year ago and we have not had time to get anything like positive results. I propose, at the end of the first year of these classes, to call for reports on them from the inspectors and, if the reports show that the experiment has been successful, then we may be in a position to say whether we will extend the experiment. But I do not like to take it for granted that they will be extended until I have seen what the inspectors have to say as to the proficiency which the pupils in these classes

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attain. I think that the honourable member will agree with me that we have given some attention to the question in Sind by opening a few classes there and, if the report on the working of these classes in Sind proves favourable, I certainly for my own part see no reason why in favourable conditions we should not extend them. But I do not quite know whether that will be what the honourable member wants.

The honourable member talks of "central places" in the various sub-divisions in Sind, but he has not indicated in his speech which he considers central places. I should be glad if in his reply he can tell us something about the central places where the new classes might be opened or where such schools as he contemplates might be established. At present I must confess I am not quite clear on that particular point and I shall be very glad if he will enlighten both the Council and myself on it.

The Honourable Rao Saheb H. D. Desai:—Mr. President,—I have much pleasure in supporting the resolution proposed by my honourable friend Shaikh Ghulam Hussein. I am particularly interested in the question of the teaching of English in vernacular schools, and on that general ground I think that I should support this resolution. I am not inclined to agree with the opinion of the Honourable the Director of Public Instruction that there is any necessity to wait for a report as to the results of the experiment which, under the orders of Government, is being tried in twenty villages of this Presidency. English was being taught in several vernacular schools several years ago and with very great success, and wherever it was taught the experiment has succeeded. It saves expense, it saves the time of the pupils, and the subjects which are taught in the vernacular are better taught in the Anglo-vernacular schools. Consequently, both from the standpoint of efficiency in the teaching of subjects which are taught in the vernacular and also from the point of view of the saving of time to the pupils and, further, also from the point of view that, if English is taught in the vernacular schools, there will be a saving of expense and, at the same time, larger opportunities for the spread of English education, I think we need not at all be apprehensive about the experiment proving successful, and we should go ahead and try it in a wider area. I have, therefore, much pleasure in supporting this resolution, so that the scheme may be undertaken in the province of Sind, in the first instance, and the other parts of the Presidency will, I am sure, follow suit.

The Honourable Sir Ibrahim Rahimtoola:—Mr. President,—Government have the fullest sympathy with the efforts of the honourable mover to advance education in Sind. His Excellency has taken, as honourable members are probably aware, a keen interest in this matter. During the two visits which His Excellency paid to Sind he has looked into the condition of education in that part of the Presidency and he feels strongly that every effort should be made to promote the cause of education in Sind.

It is recognised that Sind has been very backward in point of education and efforts are in contemplation to remove as far as possible all the difficulties in the way of substantial progress in point of education in Sind. In this connection I may assure the honourable member that Government propose to translate their sympathy into action, as early as possible, and the Honourable the Director of Public Instruction has been asked to make a comprehensive report suggesting what measures should be adopted to provide additional facilities for education in Sind. The only point for consideration is whether, in view of what I have pointed out, it is desirable that a resolution of this kind should be carried. In introducing the budget head of education, I explained what measures have already been decided upon in the case of Sind in regard to higher education. I have informed the Council that about two or three additional high schools are to be established in Sind in districts which have remained without Government high schools in the past. The honourable mover has himself referred to this. I have also indicated that Government are in close consultation with the heads of the departments in the matter of establishing an arts and agricultural college at Hyderabad and that, if there are difficulties in the way of such a joint college, an arts college will be established at Hyderabad; so that honourable members will see that Government have taken up the problem of affording further facilities for education in Sind very seriously.

The question really raised by the honourable mover is as regards Anglo-vernacular schools and vernacular schools in villages. The Honourable the Director of Public Instruction has explained the existing state of things, and the demand for giving grants up to the full amount according to the code will be very carefully examined. I may assure the Council that efforts will be made to give all possible encouragement to private enterprise in the matter of providing additional facilities for education, in addition to the new Government high schools.

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As regards English teaching classes in vernacular schools, I would merely point out that it was at the instance of the Legislative Council that the experiment was undertaken, and the Honourable Mr. Paranjpye and the Honourable Mr. Upasani, who have taken a great deal of interest in this question, were satisfied that the first experiment should be made with twenty schools. That experiment is being made and Government has called upon the Honourable the Director of Public Instruction to submit a report at the end of one year. If the report is favourable, it is the Government intention gradually to extend the experiment further. Out of the twenty schools selected for experiment, as the honourable mover has himself admitted, five have been opened in Sind. If the experiment is extended and a larger number of vernacular schools are provided with facilities for teaching English, I need hardly assure the honourable mover that Sind will get its due share.

There is only one point on which I wish to criticise in some way the remarks which the honourable mover made, and that is his great anxiety to have higher English education provided in rural areas.

There are obvious difficulties in the way, the question of expenditure being not the least of them. We have got to begin principally with district towns and important places, where you can secure a sufficient number of students for your secondary education. Rural areas will have, I am afraid, to be content with the English classes which we have already established in the higher vernacular schools and to which reference has already been made. The rural population will have thereby facilities within easy reach for the first three standards of English. For higher secondary education, I am afraid the students will have to go to the principal centres in the districts and talukas in order to prosecute their studies. However, that is a big question and I do not wish to dilate upon it on the present occasion. I would ask the honourable mover, in view of the assurance I have given, whether he will not withdraw his resolution. He deals with two aspects of the question, while I have told him what Government have decided in the matter of additional Government high schools, an additional college, and in regard to schools in villages. In view of the assurance I have given in regard to the substantial steps which Government propose to take in the direction of promoting education—primary, secondary and collegiate—in Sind. I would ask the honourable member whether he would not be satisfied with it and withdraw his resolution.

The Honourable Shaikh Ghulam Hussein Hidayatallah:—Mr. President,—The first point against my resolution was made by the Honourable Rao Bahadur Naik. I must tell him that the conditions of his division are different from those of Sind. We have not got any large municipalities in the rural areas. However, I have never heard that even a big municipality like the Hyderabad municipality was able to start an Anglo-vernacular school which could be self-supporting. But the Honourable Rao Bahadur Naik says that in Ranebennur the school is not only self-supporting, but that it is a source of income. I wish we had such municipalities as are to be found in the division of my friend the Honourable Rao Bahadur Naik.

Now, coming to the arguments that are advanced by the Honourable the Director of Public Instruction against my resolution, he first stated that there are 38 schools. Most of them are aided. The figure is very fascinating at the outset, but honourable members will be convinced from what I have to say that most of these 38 schools are in the big cities, where there may already be high schools. In the Karachi district, besides the Government high schools, there is the Sind Madrassah, the Church Mission Society's school, and .....

The Honourable Mr. J. G. Covernton:—I carefully excluded from the 38, the aided high schools of Karachi and Hyderabad.

The Honourable Shaikh Ghulam Hussein Hidayatallah:—If I leave the Sind Madrassah, then comes the Hindu Academy. I really cannot understand the definition of big schools.

The Honourable Mr. J. G. Covernton:—I am sorry I have not made myself clear. The figures are as follows. There are 38 schools. Of these 5 teach up to the VI standard, 10 up to the V standard, 13 up to standard IV, and 10 up to standard III. That makes 38 in all, and I gave the names of the places in which they were situated.

The Honourable Shaikh Ghulam Hussein Hidayatallah:—The number of aided schools that I find on looking at the list in the Karachi district is only 2: one at Kotri,

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[17TH MARCH 1920.] [*Shaikh Ghulam Hussein Hidayatallah; Mr. J. G. Covernton; the Vice-President; Mr. B. S. Kamat.*]

and another at the other extremity, Tatta. Now, can anybody expect nearly 7 lakhs of people of the district of Karachi, out of which about 4½ lakhs belong to the rural areas, residing in different parts of the district, to attend these two municipal schools?

Again, coming to Hyderabad, we have one small school at Narsapur in the whole of the district. Coming to Thar and Parkar, we have got only two schools, one at Mithi in the desert and another at Pithoro. In Upper Sind, there is only 1 school at Jacobabad, and similarly in other districts.

Therefore, I submit that there is a necessity for a larger number of schools in each of the districts in Sind. The Honourable the Director of Public Instruction then refers to the policy of Government to help private schools by means of grants-in-aid. But I am talking of opening schools in the rural areas. People residing there do not know much of the value of education. First we have to teach them the value of education and then they will come forward to open private schools in rural areas. The next agency is the district local board. My honourable friend Khan Bahadur Pir Baksh will bear me out when I say that we have only crippled resources. We cannot look after our roads properly. How are we going, in addition, to look after primary education and to open new secondary schools?

Then the Honourable the Director of Public Instruction referred to the experiment which has been made in Sind. Nearly a year is over since the experiment started. I have always been complaining that Sind is treated as a step-child and I repeat it. There are only five schools opened, and for one of them the educational authorities cannot get even a teacher.

The Honourable Mr. J. G. Covernton:—It is only an attempt that we have made. Out of the five schools opened, four are going on quite well and we hope to get a teacher as soon as possible for the fifth.

The Honourable Shaikh Ghulam Hussein Hidayatallah:—That is a vernacular school. Can the educational authorities not get even a teacher to teach English in that centre? Is it still to be an experiment, even if twelve months have passed away?

I am very thankful to His Excellency for taking a keen interest in education and am thankful to the Honourable Member in Charge of the portfolio for opening two or three high schools in those districts where there are no schools. The Honourable Member in Charge of the portfolio said that the question of secondary education was a very difficult one. Now, my resolution relates to opening Anglo-vernacular schools at central places. If Government cannot find money for that, I simply ask for arrangements to be made for the teaching of English in the existing vernacular schools. For that we require only one teacher, because all the subjects that are taught in the higher standards of the vernacular schools are the same as those which are taught in the first three standards of the English schools. Therefore, the cost of one teacher for the school will not be very much. At the most it will be about Rs. 500 to Rs. 600 a year. I do not think Government should have any difficulty in opening such schools.

As regards the places where they ought to be opened, I do not want to take up the time of the Council, but, if the Honourable the Director of Public Instruction wishes, I am ready to supply him with a list of the places where they should be opened. They may be in such places as Tando Mahomed Khan, Shahbunder, etc. There are several other places in each district, and I will provide the Honourable the Director of Public Instruction with a list.

However, in view of the assurance that has been given by the Honourable Member in Charge, I withdraw my resolution.

The resolution was by leave withdrawn.

The Honourable the Vice-President (Sir G. Carmichael):—Resolution No. 11. The Honourable Mr. Bhurgri.

"This Council recommends to His Excellency the Governor in Council that the draft rules and regulations to be framed under the Reforms Act be referred for opinion to a committee of non-official members of this Council before Government forwards its own recommendations in regard to them."

The Honourable Mr. B. S. Kamat:—Mr. President,—As the Honourable Mr. Bhurgri is not here, may I ask that I may be allowed to move my resolution on the subject?

RULES UNDER THE REFORMS ACT—PRIMARY SCHOOL BUILDINGS.

[*The Vice-President; Mr. B. S. Kamat; Rao Saheb H. D. Desai; Dewan Bahadur K. R. Godbole.*] [17TH MARCH 1920.]

The Honourable the Vice-President (Sir G. Carmichael):—I think it would be more convenient if the honourable member would take it when his turn comes. The honourable member's resolution, No. 17, is practically identical with the Honourable Mr. Bhurgri's resolution. I think he had better wait.

The Honourable Mr. B. S. Kamat:—Very well, sir.

The Honourable the Vice-President (Sir G. Carmichael):—Resolution No. 12. The Honourable Rao Saheb Harilal Desai.

"This Council recommends to His Excellency the Governor in Council that the present procedure relating to the official approval of the plans and estimates for buildings for primary schools is unnecessarily cumbrous and deserves to be revised so as to facilitate the speedy construction of such buildings."

The Honourable Rao Saheb H. D. Desai:—Mr. President,—This resolution, on the face of it, is of a non-contentious character. Those of the members of this Council who are in touch with the administration of local boards are aware that the procedure relating to the approval of plans and estimates for buildings for primary schools is very cumbrous and, on that account, the local boards are not able to avail themselves of Government grants which are placed at their disposal and the construction of school buildings is delayed unnecessarily. The present rules, I submit, for going through certain preliminaries before a school building is constructed are very inconvenient for their speedy construction. The liberal grants from Government are not fully taken advantage of in consequence of the rigidity of this procedure and I will indicate my meaning by giving an illustration of how matters stand.

A local fund overseer ordinarily prepares a plan and an estimate for a school building. It goes up to the president of the taluka local board, and he sends it on to the president of the district local board. The latter sends it to the executive engineer, and he in his turn has to send the plans and estimates to the superintending engineer. After he sanctions it, it comes back to the executive engineer, and he once more sends it back to the sanitary engineer. Then it is returned again to the executive engineer. Then it is sent on to the sanitary commissioner and eventually, after its return from that officer, it is sent on to the educational inspector and, through him, to the Director of Public Instruction.

All this procedure involves a lot of time and, if anyone finds any difficulty, then much more time is taken up. In the meantime the rates go up and the estimates have to be revised. Under these circumstances, the work of putting up buildings for primary schools is put back, and, if I were to give instances as to how these things are going on, the Council would be surprised to find that at least in the Ahmedabad district local board in one case the plans and estimates were prepared for a primary school building in June 1918. We are now in the year 1920 and still the estimates and plans have not been returned because, in the first instance, they were sent by the executive engineer to the sanitary engineer. He made certain suggestions. On the basis of those suggestions they had to be corrected. The plans and estimates were then sent to the sanitary commissioner. He made some alterations and the whole thing had to be changed. Then arose the question of the site and the whole matter had to be put back again by the Director of Public Instruction. Next came the question of waiting on account of the educational inspector having no money. So we waited for two years and, eventually, when the matter was taken up, it was found that the rates had gone high and the estimates had to be revised. The revised estimates were then submitted and they have not been returned as yet. I can quote several instances of this type and I think honourable members who are connected with local board administration will bear me out. I submit that the plans and estimates for buildings for primary schools hardly deserve so much scrutiny when there are already standard plans laid down. If only the executive engineer finally approves the plans and estimates according to the rules laid down by the Educational Department and Sanitary Department, the work could be carried out with much expedition. The resolution only seeks the revision of the present procedure which is unnecessarily cumbrous for obtaining official approval to the plans and estimates for buildings for primary schools. I hope the members of this Council will support this resolution and that the Honourable Member in Charge will be in a position to accept my suggestion.

The Honourable Dewan Bahadur K. R. Godbole:—Mr. President,—I am very glad that this resolution has been placed before the Council by the Honourable Rao Saheb

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Harilal Desai. He has brought forward a point in connection with the local board administration which requires careful attention on the part of Government, so as to expedite the construction of school buildings which are badly needed in several districts. It very often happens that the proposal for the construction of schools goes backwards and forwards as was pointed out by my friend the Honourable Rao Saheb Desai. The correspondence goes on for years together. In one case of my district, I find that the correspondence has been going on for 7 years. It was started first on the question of a site. The site was selected and submitted to the revenue authorities for approval: it then came to the district local board. The whole question went afterwards to the sanitary commissioner who took certain objections. In this way the selection of the site took up nearly two years. Then the executive engineer objected that the foundations were not suitable. So the site was shifted again. Thus by the time the plans and estimates were ready, seven years had elapsed. The school was afterwards constructed according to the plans and estimates, and two months after the completion of the building, came an application from the Educational Department that the building provided was quite insufficient to meet the then wants of the school. The Council will thus see what cumbrous processes have to be gone through before plans and estimates are finally approved and buildings constructed for rural schools. In my opinion, the number of the authorities that have to be consulted at present might be reduced. In the case of the district local board schools, regular plans and estimates should be prepared by the executive engineer after the site has been approved by the deputy sanitary commissioner and educational and district local board authorities. The sanitary engineer and the sanitary commissioner need not come in at all. The site should be selected by the taluka or district local board and, if there is any difficulty, reference should be made to the deputy sanitary commissioner.

Then as regards the standard plans, there is some uncertainty. Some time ago, I made a reference as regards the standard plans to be adopted and the reply was that the question was "under consideration." The executive engineer in my district has prepared a plan himself, and it seems to me that that plan is quite suitable and it will facilitate matters very much if the dimensions with regard to school rooms, the space to be allowed to each child and other details were definitely settled and there was no element of uncertainty about the details. I think that when the local board determine to construct a school they should get it built within 2 years from the inception of the project. The existing rules should be revised in such a way as to render this practicable.

I might mention another instance of the dilatory process that has to be gone through at present. In the case of an outlying school in my district, I found that the plans and estimates had been sanctioned. I went to the spot and found out that the site was not at all suitable and had to be changed. The sanctioned plans and estimates had to be altered. The alteration has taken about two years and the altered plans and estimates are now awaiting the countersignature of the Director of Public Instruction, which I am afraid is going to take two or three months more. Under these circumstances I suggest that the present cumbrous procedure should be modified and that the number of authorities to be consulted in connection with the plans and estimates for buildings for primary schools should be diminished so as to expedite matters and enable schools to be constructed within two years at the outside from the starting of the scheme. I hope, therefore, that the Council will accept the resolution which has been placed before it by the Honourable Rao Saheb Harilal Desai. I strongly support the resolution.

The Honourable Shaikh Ghulam Hussein Hidayatallah:—Mr. President,—I do not think I need take up much time of this Council by any lengthy remarks of mine. I endorse every word of the previous speakers. I should like to inform the Council that, so far as my province is concerned, we generally find large balances on the educational side. Enquiries are often made as to why this money is not spent. But the money is meant for educational buildings. Because these plans and estimates take a very long time, the balances go on collecting. If the plans and estimates are sanctioned without delay, as suggested by the mover of the resolution, I am sure there will not be large balances on the educational side. With these remarks I support the resolution.

The Honourable Rao Bahadur G. K. Sathe:—Mr. President,—As connected with the administration of local boards, I think I ought to say a few words in support of this resolution. All that need be said on the question has been very eloquently placed before this Council by the Honourable Rao Saheb Desai and the Honourable Dewan Bahadur Godbole. I only want to emphasise the fact that the delay is, if I may be permitted to use the expression, oftentimes irritating. The districts of Ahmedabad and Poona do not

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stand alone in this complaint, but I have about 8 instances in my district (for which I was not responsible, because they took place before I became the president of the district local board). In 1913 the idea of having new schools was started and up to now we are not even within sight of getting either the plans and estimates finally sanctioned by Government, much less of a grant from Government for building the same. The procedure is, as described, no doubt very cumbrous. Much of this delay could be avoided if the officers concerned would, instead of putting their views in writing and carrying on correspondence with one another, make it convenient to meet on the spot and, in a couple of days, dispose of the matter which, as we now find, takes years.

The site has to be chosen by the Collector and the revenue authorities from a different point of view, namely, where the school houses would be in the centre of the village and where the villagers would find it convenient to send their boys. It is to be approved of by the sanitary authorities from a different standpoint and it is to be approved of by the executive engineer's department after taking trial pits. So, instead of leaving all these things to be carried on by correspondence, it would be much better if there is a mutual agreement between these officers arrived at by a meeting on the spot. That is one remedy which I would suggest. The evil is so great and patent that I do not think that any further remarks on this point are necessary.

I may only mention one instance which is quite in point and that is this, that in the case of one primary school at Madha, Government finally passed the plans and estimates and the money was sanctioned. The Collector of the district, however, thought that it would be much better to locate the school on the ground of the fort after demolishing the fort. Now, when a Collector starts a correspondence on such a subject, it is very difficult for other officers to oppose it: at least they have to convince him that his view may not be accurate or correct. Now, in this case, it so happened that two years had passed since Government had sanctioned the plans and estimates and the amount. The correspondence was again started by the Collector, it came to Government, Government sanctioned the site and, consequently, there was some change in the plans and estimates. By the time we received back these plans and estimates the executive engineer had found another difficulty, namely, whether he could do the work within the sum allotted, as a large amount would be required to demolish the old fort and to take away the materials. I will not be surprised if this takes another two years before the matter is finally settled between the executive engineer's department and the Educational Department and before the plans and estimates are finally sanctioned by Government. I speak to emphasise this evil which has been put forward in the resolution and I would request Government to find out a machinery by which this evil would be minimised and that schoolhouses could be made available for district local boards within a short space of time.

The Honourable Mr. G. S. Curtis:—Mr. President,—I think that the discussion on this resolution has shown that some attention on the part of Government is necessary in order to expedite the procedure usually followed when carrying out school projects.

I think that at the present moment the most practical suggestion is that made by the Honourable Rao Bahadur Sathe, namely, that a meeting between the officers concerned at a place like Poona or Ahmedabad should be arranged. Poona is a place to which the honourable members who have just pointed out the delay and the various officers concerned can travel without difficulty.

It seems to me almost impossible to dispense with the procedure of the reference to the sanitary authorities or to the executive engineer's department. But possibly it may be convenient for the Honourable Dewan Bahadur Godbole and the Honourable Rao Bahadur Desai, who are presidents of district local boards, to arrange a meeting either at Ahmedabad or Poona with the Collectors concerned for the discussion of plans and estimates of these school buildings and, in that way, I think a good deal of delay will be avoided.

The position of the district of Sholapur is not so easy, but even there it would be possible for the president of the district local board and the educational inspector to arrange to run to Poona and have a conference to consider the plans and estimates.

As regards individual cases, some of them have not been quite so lucid, when examined, as some of the speakers made out. I notice that, in the case of the Honourable Rao Saheb Desai, the cause of the delay of three years was that there were no funds available. Of course, that is not the fault of the procedure laid down. Nor, again, is the procedure responsible for the fact that owing to war the prices were doubled. That is the effect in all the branches of build-

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ings. In the other case referred to by the Honourable Dewan Bahadur Godbole the district local board did not foresee the extent of the accommodation necessary and the result was that the accommodation was found too small. That, again, is not the fault of the procedure.

But Government will see that, as far as possible, matters are expedited and, if possible, type plans and estimates are drawn up for each district and that the officers will be urged to arrange meetings so that knotty points may be discussed at those meetings and solved without undue waste of time and correspondence.

The Honourable Rao Saheb H. D. Desai:—I am thankful to Government for the acceptance of this resolution.

The resolution was then put to the vote and carried.

The Honourable the Vice-President (Sir G. Carmichael):—Resolution No. 17. The Honourable Mr. Kamat.

"This Council recommends that Government may be pleased to appoint a Committee of Inquiry to investigate the social and economic conditions of mill and factory labour in the Presidency and to report on measures necessary for the prevention and handling of labour strikes, and the improvement of labour conditions in general."

The Honourable Mr. B. S. Kamat:—Mr. President,—It is with a certain amount of diffidence that I venture to move this resolution in this Council, regarding a subject which is chiefly concerned with industrial conditions in Bombay and certain other centres of the Presidency. I am sure some honourable members of this Council connected with capitalism would rather consider it a presumption on my part; honourable members, for instance, like my friend the Honourable Mr. Sethna and the Honourable Mr. Purshotamdas Thakurdas, who is not here, would consider it rather a presumption on my part to dabble with this subject. My reason for dealing with this matter is that it is not only a question which affects certain capitalists in this city, but I believe the problem concerns the welfare of the community at large, particularly of a large section of the labouring population of this Presidency. I need not recount the various facts in connection with the industrial unrest and the resulting strikes either during the last year or at the beginning of this year.

Honourable members of this Council are aware that in the early part of 1919, soon after the arrival of His Excellency in this country, the Presidency had to deal, or rather His Excellency had to deal, with a strike on a large scale in Bombay and also in Ahmedabad. This year also Bombay had a strike of great magnitude continuing for a great length of time and, recently, we have had in the Deccan, at Sholapur, a strike which resulted unfortunately in the loss of life.

Now these conditions, every one will admit, are not desirable; also I believe it will be recognized that this is not a passing phase of industrial unrest in this country. I am afraid these conditions have come to stay and it behoves us, the general public as well as Government, to find out, first, the causes underlying the unrest and, secondly, the remedies to deal with the resulting strikes.

I have asked, sir, in my resolution that a committee be appointed who should go both into the economic and social causes of such an unrest; because I consider, from such knowledge of the subject that I have and from such facts that I have gathered during the recent few weeks here, that if a committee is appointed it will be necessary for the committee to see the causes of this unrest not only from the economic direction but also the actual social conditions of the mill-hands and mill operatives in this Presidency.

So far as I can gather—and let me add here at this stage that in placing this matter before the Council and Government I hold no brief either for the mill operatives or the millowners, but I shall endeavour, to the best of my ability, to place before the Council the facts from the point of view of a disinterested observer and one who is neither prejudiced nor is in favour of one or against the other—so far then as I have been able to gather the facts the causes seem to be that, while, on the one hand, the prices of foodstuffs are rising or have risen as compared with the pre-war level of prices, on the other hand, the millowners have been giving a certain rise in the wages to their mill operatives. I do not think it is necessary for my purpose, neither is it germane to the topic, to quote the various figures of prices as they stood in 1913-14 and as they stand at the

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present moment. I have got them with me but I shall not read them to the Council, neither shall I weary the Council by quoting the various developments in the wages as granted by the millowners to their operatives. But the fact remains that one of the causes of the unrest of this description is based on the relation of prices as they stand at the present day and the rise in the wages by the millowners. The second cause for the unrest seems to be the principle of getting bonuses from profits which mill operatives have realised. Thirdly, I believe the causes are that the mill operatives think that they are entitled to get from the employers a certain minimum standard of amenities, such as, good housing and medical treatment, either in the case of sickness or in case of accident, so that either they or their relatives should not suffer owing to the conditions of their labour and employment; and, fourthly, they are also beginning to think that they are entitled to other considerations, such as schools for their children and other comforts of life.

On the other hand, now speaking on behalf of millowners, it has been said that most of the millowners are considerate and have sufficient regard for the welfare of the operatives who are committed to their care. But, whatever the state of things may be, as long as we have on either side allegations which are at variance with one another, I think it is the duty of Government at this stage, after the various experiences we have had recently, both in Bombay as well as in other parts of the Presidency, to investigate the different causes of this unrest. Labour conditions here are generally on practically the same lines as in other countries, and, in justification for a demand for a committee, I think I shall trouble this Council regarding a few facts as to what happened exactly on the same lines in other countries. So far as industrial relations between labour and capitalists in England are concerned, I believe they had a Conciliation Act so far back as 1896. At that time the Conciliation Act of England made conciliation boards entirely on a voluntary basis, without making them compulsory; in fact, in the settlement of disputes conciliation boards were appointed purely on a voluntary basis.

The Honourable the Vice-President (Sir G. Carmichael):—May I ask the honourable member from what period trade unions in England existed?

The Honourable Mr. B. S. Kamat:—I believe they date back to something like 25 or 26 years ago, in modern forms.

That was the first stage. In 1912 or 1913 there came a second stage and a commission was appointed to probe the matter, in the same manner as I suggest should be done here, under the presidentship of Sir George Askwith. Then followed the appointment of a Trades or Wages Board; this board was to advise and fix reasonable wages, hours of work, etc., taking into consideration all the circumstances and all the different conditions of labour in the different trades. Well, in other countries than England also, in the colonies, for instance, this question was similarly dealt with. In Canada, in 1907, a similar move was made and an act for the settlement of industrial disputes was passed, which was subsequently copied in other countries also. In 1913 a commission was appointed in America for the settlement of industrial disputes. It presented a report, on which legislative action was taken in that country for the settlement of disputes between the employer and the employee. Or even recently, in the early part of 1917, there was that famous Whitley report making various useful suggestions. I need not go further into these details. The fact is that other countries also had to find out the causes of unrest and seek remedies by legislative or executive orders. And, now that we are experiencing a state of industrial unrest, as I am afraid these conditions have come to stay, it behoves Government as well as the general public to find out, first, the causes underlying the unrest and, secondly, the remedies necessary to deal with the strikes. Now regarding the remedies, I believe it has been said that labour unions are the principal plank on which the whole of this question was based in other countries. Unfortunately, in this country there are no labour unions as such. In Bombay, I know there are two or three organizations which might be characterised as labour unions, but there are no systematic organizations, much less federations of unions or industrial councils, such as are recommended by the Whitley Commission. The point is whether it is advisable and necessary and also feasible here to organize labour in a manner so as to establish labour unions as well as federations of unions for all the mill-hands in the different parts of this Presidency; because, sir, if there were any circumstances particularly noticeable during the recent strikes, it was the fact that the mill-hands could not, in the first place, formulate their grievances and, if at all they could formulate them, there was no agency or machinery through which they could voice them to their employers or to the Millowners' Association or to Government or to any settlement com-

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mittee, private or public. The first consideration, therefore, for the committee, if appointed, would be how to start labour organizations. The history of conciliation boards in England is perhaps well-known to many members here and I need not go into the same. It is necessary, with special reference to Indian conditions, to find out whether conciliation or rather arbitration boards are desirable and, if so, what powers should be given to them and whether they should be on a voluntary basis or a compulsory basis before any action is taken. These are the different lines on which it is necessary for this committee to make enquiries. I have said in my resolution that this committee should also go into the matter of strikes if unfortunately they recur. It has been observed that the present method of settling strikes is rather not a very practical one. In the first place, the attitude of the millowners in Bombay is a very cold one. Replies given to any private agency like a labour settlement committee are very curt and they do not recognise the utility of labour settlement committees at all. In the second place, the result is of no practical character and every time His Excellency the Governor has to intervene and settle the dispute. I say this is not a very satisfactory manner of handling a strike. The Governor of the Presidency cannot be present always either in Bombay or Sholapur or Ahmedabad, and it is not a very practicable matter to seek the advice and the influence of the Governor of the Presidency every time an industrial dispute has to be settled. Then, again, in the districts the police method of handling strikes is not very satisfactory. We know, for instance, in Sholapur the handling of the recent strike left a good deal of heart-burning and dissatisfaction regarding the manner in which the authorities dealt with the strike. There must be found a method, when a strike comes, by which it can be settled in the most peaceable manner. Therefore, I think the terms of reference to such a committee, if one is appointed, should be not only to go into the conditions of labour but also to suggest methods as to how to handle strikes with the utmost patience possible. It is not desirable always to hold the operatives at the point of the bayonet or to call the military and to keep them in check when they are, owing to their illiteracy, unable to put forward their grievances in a proper manner. The calling of military in Bombay or at other stations is not a desirable way of settling the disputes.

The Honourable the Vice-President (Sir G. Carmichael):—Does the honourable member mean to say that Government should not maintain law and order with their own police, with the assistance of the military if necessary? Does he mean to say that Government should not call the military to aid the police in maintaining law and order? If so, I should like the honourable member to say so definitely to the Council.

The Honourable Mr. B. S. Kamat:—What I meant to say was not that Government should not maintain law and order—in fact, that is one of their most important and primary duties—but that there should be some sort of machinery provided so that the necessity for calling in the military could be avoided as far as possible. Of course, if it is absolutely inevitable, I do admit that the calling in of the military is justifiable, as a matter of last resort.

And, lastly, I think that this committee should also be entrusted with the other task which is contained in the latter portion of my resolution, namely, to suggest certain measures for the improvement of the labour conditions in general in the Presidency. We have been told, especially by those who have taken some interest in the social welfare of these workers, that what they chiefly feel is perhaps a sort of cold treatment and lack of sympathy from their employers, and if they, instead of getting the present sort of treatment, get an entirely different sort of treatment, it will go a great way to bring about better relations and a repetition of the strikes would not occur. A committee can find out, therefore, whether there is lacking in the present conditions of labour something of the human touch, something of the human sympathy. It is also necessary that the committee should make recommendations as to how to bring about a closer association between the employers and the employees with a view to bring about better relations between the two. A joint board, for instance, of representatives of the employers and the employees might be established which could go into various questions, such as establishing a provident fund or gratuities or something of that nature. I, therefore, think that, if a committee were appointed, they can go into all these things. The question is one of great magnitude and importance to this Presidency, as it not only affects the harmonious progress of the textile industry but it affects the social and other well-being of the community as a whole. I would therefore strongly urge, with all the emphasis that I have, that Government should be pleased to look into the matter and appoint a committee to go into this subject fully.

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The Honourable Sir D. M. Petit:—Mr. President,—Perhaps the Council would like to know what is the attitude of the Bombay Millowners' Association with regard to this proposition which has been proposed by my honourable friend Mr. Kamat, and I might tell them that the Bombay Millowners' Association have no objection whatever to such a committee being appointed by Government. My personal view, however, sir, is that this matter might stand over for some time as His Excellency the Governor himself takes a very keen and personal interest in this matter and I understand that the whole subject is under his own personal consideration. It might, therefore, be well left in his hands for some time and we will see what are the suggestions with which he comes forward.

There are one or two remarks made by my honourable friend Mr. Kamat which require contradiction at my hands. One thing he said was that the attitude of the mill-owners was very cold when they were approached by bodies of social workers on behalf of the mill labourers. The Honourable Mr. Kamat himself said that the mill labourers were not organised, and the Government and others were in a difficult position to ascertain from them what their views were. They were not able to put forward their own demands. If that was the case, how could social workers ascertain the demands of the mill labourers? The millowners themselves tried their best to know from the labourers what they wanted. But there was no organisation which would speak on behalf, not only of the whole body, but on behalf of even a good proportion of them. They were all at variance with one another. Several of them seemed to go on strike because of low pay, some for other reasons, and some because they were asked to go on strike. It was for this reason, sir, that the millowners could not negotiate with other bodies who had nothing to do with the industry. If they were the accredited agents of the mill labourers, or of those people who had any grievance, the Millowners' Association would have been very glad and pleased to negotiate with them. But here there were different bodies putting forward different demands, and it was impossible for the Millowners' Association to negotiate with them without knowing whether they were the accredited agents of the body of people on whose behalf they claimed to speak.

The other remark that the Honourable Mr. Kamat made was that he has ascertained that, if the mill labourers had different treatment from what they are getting now at the hands of their masters, they would not be discontented. I am sorry, sir, he made this general remark without particularising as to any of the ways in which the mill labourers are badly treated by the masters. I do not know what he meant by saying that they received indifferent treatment. If he means the question of pay and other facilities .....

The Honourable Mr. B. S. Kamat:—What I wanted was closer association between the wage earners and the millowners.

The Honourable Sir D. M. Petit:—He says he wants closer association between the labourers and the millowners. I do not understand that. The real masters, for the matter of that, are the shareholders. Does he mean close association between the shareholders and the workers? (Laughter). Next come the agents; does he mean close association between the agents and the labourers? Next to the agents come the mill managers and the superintendents, and they are the real masters in the matter of giving orders and the treatment, and they do come into contact with the labourers every day. What difference does it make to my mill-hand whether he comes into contact with me or whether he comes into contact with a man whom I have appointed to look after him and to superintend the mills. I do not see any difference at all. Here is a man who is responsible to me, and I am in turn responsible to the shareholders. I do not see any difference in it at all. Why should the agent himself come into contact with the labourers? And I do not know how it is to be done. Does the Honourable Mr. Kamat suggest that I should go to the mills and spend five or six hours a day, to come in contact with the ten thousand labourers that I employ? That is not possible. The best possible thing is that each mill should have a separate manager, and he comes into touch with the three or four thousand men that are working under him. He is there all the time that the mill is working, and I do not understand how the Honourable Mr. Kamat could suggest that the owner should come in contact with the labourers. If that is what he means by saying that the treatment should be different, I have given him a complete answer, and I trust he is satisfied with the explanation that I have given him in this connection.

I have got no other remarks to make. I say that the matter was discussed at the Millowners' Association, and the Association have nothing to hide from the public or from

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any committee that the Government may appoint and, therefore, they have no objection to it. My personal view is that the matter might be deferred till we hear further from His Excellency the Governor, who is taking a keen interest in this matter and who, I believe, has got this question in hand.

The Honourable Mr. Munmohundass Ramji :—Mr. President,—I have great pleasure in supporting the resolution brought forward by the Honourable Mr. Kamat on the ground that this enquiry will bring to light several things about which there is apprehension in the minds of several people, especially in the minds of the public. Of course, I support the resolution on the understanding that a committee will be appointed which consists of representatives of the millowners and the workmen themselves, and not the people who take interest in social and other matters and who do not know the real state of affairs. A committee, with these social workers on it, if appointed at all, will not do any good. But a committee appointed consisting of representatives of the millowners and the workmen themselves and with an unbiassed official or a gentleman who can do justice to everything that is brought before him will be the best.

Now, as to certain of the allegations that the Honourable Mr. Kamat has made, the previous speaker, the Honourable Sir Dinshaw Petit, has made several points clear. If there is any enquiry to be made about the question of wages and bonus, the mill operatives are not the only persons about whose earnings the public ought to be keenly interested. To thresh that question out, the enquiry should include other classes of labourers. There are the dock labourers, Government servants, municipal labourers, and the committee, if at all appointed, will have to go into the question of the wages of all these people.

Then, of course, about the bonus, I do not think any enquiry is necessary, because it is a question of time, circumstances and good conduct and good regard from the masters as well as from the workmen. All these facts determine when the bonus is to be paid and how much is to be paid.

Then he referred to the reply of the Millowners' Association and said that it was a cold reply to the labour settlement committee. I should like to say that the existence of this committee was not known to the labourers themselves. Of course, there exists another committee of workmen, and the business was conducted by one of the leaders. This labour settlement committee charitably went to the workmen, called meetings at the centres, and ascertained their demands. When the strike came on, we were in the dark why the workmen had struck work. Our managers asked them what their demands were and why they had struck work, but they could not say anything. They never said that they wanted more wages, or this thing or that thing. It was nothing of the sort. When we enquired after four days what they wanted, they did not know. Most of them only said that they were prohibited from going to work. By whom? By the mob. Consisting of whom? Perhaps the men of the streets. Very well. What was to be done? All along the first reply that the millowners gave was that they must resume work and that their demands, when formulated, would receive favourable consideration at the hands of the millowners. Then came the demands, and you know the result of it, how considerate the millowners were in accepting their reasonable demands. Very well.

The honourable mover of the resolution referred to the school arrangements. It is the duty of every municipality to give primary education to the population under their charge. Now, it is proposed that the millowners should educate the children of their labourers. The boys are half-time workers generally and it is difficult to start schools and give them education. But, irrespective of that, attempts have been made by the millowners to open schools in each individual mill, and the result was that one or two or three boys only attended. The others evaded, simply because they wanted to go home and play in the streets, or they wanted to go to other mills, work there, and earn more wages. These were the practical difficulties. I myself know that ultimately almost all these mills had to close down the schools. There was a committee appointed consisting of the millowners and the municipality, and in that committee it was suggested that, instead of trying to open schools in the mills, localities should be selected where the mills were situated and schools should be opened there by the municipality and it should be seen whether the boys went to school there. I do not know whether an effort was made by the municipality to do that. It was about three or four years ago that this suggestion was made.

The Honourable Mr. Kamat wants that the millowners should be in close association with these workmen. As the Honourable Sir Dinshaw Petit has pointed out, the manager is all the time there, moving about with these workmen, and, as far as I know, the relations between the manager and his men are always friendly. I do not think

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that they have any cause of grievance about the treatment. The present position of labour is such that the manager has to tremble before them, because if any of the workmen are treated in a bad way, the next moment he receives stones, or there is a strike the next morning. That is the treatment that the manager will get if he treated his subordinates in any harsh manner. He has to be friendly with them, to work the whole thing smoothly, and therefore I say that the complaint is groundless on that point.

As for the social, economic and other questions, these are very large matters which will have to be considered liberally from all points of view, and should not be dealt with entirely by the millowners.

With these few remarks, I have great pleasure in supporting the resolution and I would like to see the result of the committee.

The Honourable Rao Saheb H. D. Desai:—Mr. President,—Coming as I do from Ahmedabad, I am interested in the social and economic conditions of factory labour and I am also in favour of the improvement of labour conditions in general. I feel that there would be no harm in appointing a committee of enquiry to investigate into the causes which led to the strikes both here and in Ahmedabad. I am not connected with any mill or any labour organisation and, consequently, when I say that there would be no harm in appointing a committee of enquiry, I do not give that ironical support which the Honourable Mr. Munmohundass gave to this resolution. I, however, feel inclined to say that, in the matter of the strikes that came about both here as well as in Ahmedabad, the masters, in the first instance, were at fault. For a long time they did not look into the question whether the wages which the labourers got required revision in these times of high prices, and perhaps they overstepped the limits of human patience in dealing with the matter. Some gentlemen who were real friends of labour and who were actuated by a genuine desire for social service took the side of labour—at least in Ahmedabad, so far as I know, that is what happened—and a revision came about. But thereafter conditions have changed. Though here as well as in Ahmedabad the grievances had been removed, yet some people who were looking out for a following and wanted to take advantage of the situation placed themselves in the forefront as friends of labour and several difficulties arose in Bombay. We apprehended something in Ahmedabad also, but our apprehensions there have not been serious for the present.

With the widening of the franchise, I am afraid very likely there will be several gentlemen who will put themselves forward as friends of labour and will perhaps bring about deadlocks in their own interests rather than in the interests of labour. That is my apprehension. Of course, I am always for the labourer getting his due from the capitalist. He should always get it, and, where he does not get it, I will be only too glad to tell the employer that he is miserly and stinting himself too much. But, at the same time, I do feel inclined to say that at least in Ahmedabad the labourer has been trying to find out who is his real friend and where his interest lies, and it may be that the labourer in Bombay also will not wait long to do likewise. I, therefore, submit that the committee of enquiry will help to expose the weak points of either the agitator, who puts himself forward as a false friend of labour, or of the employers who stint beyond the point they ought to.

The Honourable Mr. Munmohundass Ramji:—The millowner or every other employer?

The Honourable Rao Saheb H. D. Desai:—I thank the Honourable Mr. Munmohundass for drawing my attention to the fact that the resolution is restricted to mill and factory labour. I have no objection to go far afield and to say that if an employer, whether it be Government or whether it be railway or whether it be any private concern, does not pay the employees properly, then certainly let the committee enquire into all these cases. I should be very glad to have a committee of such enquiry, because it would expose the faults of both sides and, at the same time, bring before the public the names of people who have been putting themselves forward as friends of labour but who really are out for their own selfish ends.

I therefore have much pleasure in supporting this resolution, and my object is that the truth should be out. If the truth is out, the labourer would certainly not have to wait long and to receive his due.

The Honourable Mr. C. V. Mehta:—Mr. President,—The Honourable Sir Dinshaw Petit, speaking on behalf of the Millowners' Association, pointed out that after considering this resolution the association were of opinion that they had no objection to it. There was also, Mr. President, a further consideration as to whether, even after this committee

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of enquiry had sat, it was not right and proper that the conditions of factory labour should be investigated all over the country or whether they should be restricted to this Presidency only, and as to whether it would not be fair in the interests of labour and industry in general that any legislation to be undertaken, in pursuance of the recommendations of the committee, should be of an all-India character. The resolution refers not merely to mills but to various other factories as, for instance, gins, presses and so on. When a few years ago the question of labour in the mills came before the public at the instance of the Times of India, it was found necessary to have all-India legislation. It is obvious, Mr. Chairman, that neither the honourable mover nor any other member who wishes to have a committee of enquiry desires that this Presidency in particular should be placed at a disadvantage when reforms are being suggested. We all desire to have reforms. I do not know, when the Honourable Sir Dinshaw Petit referred to the scheme that His Excellency the Governor hopes to bring forward, whether one of the points in that scheme is that the conditions of labour all over the country should not be examined. I submit, sir, that, if this committee is appointed, there should be adequate representation both of the employers as well as the work-people, for this reason that I believe there has been considerable awakening of the social conscience in the past few years and that there is a more general desire on the part of employers to make arrangements for the housing of their work-people, for their education and various other matters which were perhaps neglected in the past. It is necessary to enlist the sympathies of everybody concerned if we wish to undertake reforms on a large scale. If there is an adequate representation of both the employers and employees on the committee, I think, sir, it would serve a very useful purpose. I submit also, as I have already stated, that if any legislation, as a result of this enquiry, were to be undertaken, the conditions of other presidencies also ought to be taken into account.

The Honourable Rao Bahadur S. D. Garud:—Mr. President,— I was glad to find that the Millowners' Association and millowners like the Honourable Mr. Munmohundass welcome the committee of enquiry. But the Honourable Mr. Munmohundass appeared to suggest that it should only be a committee of the millowners and the mill workers. That appears to me like a committee of cats and rats. (Laughter.) If, sir, we are going to have a committee at all, let us have a strong and impartial committee whose decision might influence the millowners as well as labour. It is no use placing the mill labourers at the mercy of the millowners. We know that the mill industry practically derives all its profits out of the sweat of its labourers, and, therefore, we must provide for the social and economic amelioration of the lot of the labourer. Take, for instance, the economic condition of the labourer. Has any attempt been made (at any rate I am not aware of any such attempt being made) by the Millowners' Association to get rice at controlled prices for the mill operatives?

The Honourable Sir D. M. Petit:—Oh, yes!

The Honourable Rao Bahadur S. D. Garud:—I am not aware whether it has been done by the Millowners' Association as such.

The Honourable the Vice-President (Sir G. Carmichael):—That is done by the Millowners' Association.

The Honourable Rao Bahadur S. D. Garud:—I mention the Millowners' Association for this reason that, taken generally, the price of every material without exception has gone high and, although benevolent millowners like my honourable friends Sir Dinshaw and Mr. Munmohundass Ramji may have bought rice for their mills, this may not have been done by all the millowners. I submit it should be a matter of general interest and it should be done without exception. There are several other directions in which help can be given.

Then, again, the social conditions of the mill operatives are at present not satisfactory at all. An intelligent and an influential body like the Millowners' Association should be in the forefront of all schemes for the social amelioration of the lot of the labouring population. All these questions will be examined by the committee, if appointed, and, if that committee is strong enough, the decisions of that committee will certainly be accepted by all the parties concerned.

The Honourable Rao Bahadur G. K. Sathe:—Mr. President,—Coming as I do from one of the places where there is an amount of mill industry, I think, I should make a few observations in support of this resolution. When I do so, I do not intend even to

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attempt to allocate the responsibility of these strikes either to the mill-hands or to the millowners. I take a commonsense point of view, and that is this, that during the last twelve months we have had a repetition of strikes in various places. That clearly indicates that the mill-hands and the labourers are not satisfied with their present lot and that some improvement is not only desired by them but that it is found to be necessary even by individual millowners.

It is not in the interests of the general public, residing in the local area where these strikes take place, that so many hands should remain unemployed and so many minds should be unoccupied. It is not in the interests of the general public that there should be dissatisfaction amongst the labour class. It is our duty to find out means to meet the situation.

Speaking for myself and having some experience from the recent strikes in Sholapur, I may say this, that the mill-hands who, or a majority of them, are illiterate, have no organization of their own. They cannot approach the millowners in a constitutional manner and place before them their grievances. The effect of that was that the strike continued for many weeks and perhaps it would have ended sooner if such a union was formed; as my honourable friend Mr. Kamat suggests in his resolution, such unions would be a good solution.

As regards the appointment of a committee, I am in favour of it because these questions will only be solved in a committee. Whether it is constituted in the way in which my honourable friend Mr. Chunilal Mehta has suggested or whether in the way in which the Honourable Rao Bahadur Garud has suggested is a matter of detail, but, at any rate, it is absolutely true that a representative committee of the millowners, on the one hand, and the mill labourers, on the other, would be a satisfactory constitution. There should also be independent minds associated with this committee, who will bring to bear upon the whole question the general aspect of the case and who will act as an intermediary between the millowners and the labourers.

With these few words, I have great pleasure in supporting this resolution.

The Honourable Mr. F. Clayton: –Mr. President,—I have a considerable amount of sympathy with this resolution, for I think it must be appreciated by everyone present that labour to-day intends to demand and receive a greater and fairer portion of the results of their industry, and I consider therefore, from that point of view, it would be advisable to take such steps as would bring the employers of labour and the labourers together.

The chief object, however, I suggest for the committee should be to discover what can be done to avoid strikes. My difficulty, however, in this matter is rather the wording of the resolution. In some parts it appeals to me as being very narrow, while in some parts too wide altogether. I do not like, for instance, the inclusion of words such as "handling of labour strikes, etc." No one can appreciate what conditions might arise as the result of excitement and generally of circumstances brought about by a number of men not properly led and quite uncontrolled and serious conditions might arise necessitating a completely free hand in dealing with the same. I think it would not be advisable for any committee to decide on any limitation of necessary action. The chief object of such a committee should be to prevent strikes occurring. If the Honourable Mr. Kamat will allow me to suggest a different wording to this resolution I would do so. Of course, I do not know whether he would approve of my wording.

I suggest the following amendment to this resolution:—

> **"This Council recommends that Government may be pleased to appoint a Committee of Inquiry to investigate the causes, the effects of and the measures necessary for the removal of labour unrest, and the prevention and settlement of labour troubles and strikes by conciliatory boards and the desirability of appointing such boards."**

The Honourable Mr. B. S. Kamat:—I am sorry I cannot accept the amendment as it preassumes the question.

The Honourable the Vice-President (Sir G. Carmichael):—The Honourable Mr. Clayton has moved an amendment to the original resolution moved by the Honourable Mr. Kamat and we will take the resolution and the amendment together.

The Honourable Mr. F. Clayton:—Mr. President,—My reason for suggesting this amendment is that I consider the words just referred to by me should be eliminated in

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that they are objectionable, and another reason is that I want to make the scope of the inquiry wider. I suggest that we require a much wider range on which to base any investigations.

It appears to me, sir, that what we want to inquire about now is, what steps should be taken to prevent labour troubles generally? This could be done by a committee of reasonable men, men who would look at the matter from the point of view of both the employers and the employed, and we could get that result if such a committee is appointed.

The Honourable Mr. Harchandrai Vishindas:—Mr. President,—I would rather propose an amendment myself in order to widen the scope of the enquiry suggested by striking out the words "mill and factory" and making the enquiry applicable to all kinds of labour.

The Honourable the Vice-President (Sir G. Carmichael):—I think that amendment would be out of order. It extends the whole scope of the enquiry.

The Honourable Mr. Harchandrai Vishindas:—Might I point out, Mr. President, that the amendment which I am suggesting is on practically the same lines as that of my honourable friend Mr. Clayton, which has been allowed. That amendment also does extend the scope of the enquiry.

The Honourable the Vice-President (Sir G. Carmichael):—I quite realise that it is so. It is true I allowed the Honourable Mr. Clayton's amendment, but I did so inadvertently. I overlooked the fact that it also extends the scope of enquiry. I do not wish to allow any further extension.

The Honourable Mr. Purshotamdas Thakurdas:—Mr. President,—The first observation that I have to offer on the resolution under discussion is whether by "enquiry into the conditions of mill and factory labour" the Honourable Mr. Kamat includes labourers working in all the factories which come under the Factories Act?

The Honourable Mr. B. S. Kamat:—Yes.

The Honourable Mr. Purshotamdas Thakurdas:—Mr. President,—If that is the case, I wish to submit that there is no case made out for an enquiry into the conditions of labour employed in cotton ginning and pressing factories, for the simplest of all reasons that we have never yet heard of any strikes there. If a committee is to be appointed hereafter, I submit that it is both unnecessary and fruitless as far as labour in ginning and pressing factories is concerned. The reason why I say it would be fruitless is this, that labour in these factories is not stationary; it is picked up every season off and on, and the scale of their wages therefore depends on the supply and demand. These factory labourers work only for a period of six months at the utmost, and very likely the same men will not return to work in each season, and up to now we have never heard of unrest there. Factory owners there have already considered the conditions brought about by the rise in prices and have allowed suitable increases of wages with which the labourers appear to be satisfied. If therefore, the labour employed in ginning and pressing factories is included in the scope of the enquiry proposed, it would be simply time and energy lost.

I fully sympathise with the view that an enquiry like this, as far as major factories, such as cotton mills, are concerned, should be of an all-India nature, for, after all, competition is keen and there is no reason why there should be strict legislation in one Presidency and mild legislation in another. I have nothing else to add, except that no case has been made out to include labour employed in ginning and pressing factories. I would further point out that the last portion of the resolution, namely, "the improvement of labour conditions in general", is very vague and too general to be handled by any committee, at this stage at any rate.

The Honourable Sir Ibrahim Rahimtoola:—Mr. President,—I hope the honourable mover realises how extremely difficult the problem is which he has raised. As the Honourable Sir Dinshaw Petit has pointed out, His Excellency the Governor is taking a very keen interest in the whole problem and the usual panacea of a committee has not escaped the attention of Government. But there are so many difficulties, some of which I will explain a little later on, that the matter is still under the consideration of Government as to what is the best means to be adopted to meet this problem. It may be in the nature of a committee or some other method. If a committee is decided upon, a very serious difficulty arises as to how that committee is to be constituted, who are

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to be the members of such a committee, and it is not such a simple question as may be imagined on the surface. Then, we have to consider whether an arbitration court should be established, or whether a conciliatory board may be appointed, and so on. These are various problems in regard to which His Excellency and his Government are giving the most careful consideration. I therefore hope that the Council will not, by passing this resolution, force the hands of Government in this direction. There is another reason which has made Government hesitate to reach a decision on this question, and that is, whether this is an opportune time to re-open an enquiry into a difficulty which has been recently settled, at all events temporarily. It may be that any premature action on the part of Government in this direction may have undesirable results. I wish it to be clearly understood that Government are most sympathetic in this matter and they desire to do something which will promote the cause which honourable members who have spoken on the subject have at heart. Therefore, so far as some action in the direction indicated is called for to meet the general unrest which has prevailed and which may still be said to be prevailing amongst the labourers, the same is receiving the most careful and the most anxious consideration at the hands of Government. The Council can realise, sir, that when these strikes come on, Government have to pass through most anxious times, that the pressure of anxiety upon His Excellency and his Government is overwhelming, that anything untoward may happen at any moment; so that if any means could be found by which strikes could be prevented, honourable members may be quite convinced that Government will not hesitate a moment to adopt that course. But when we are talking of the prevention of strikes, may I ask honourable members to realise whether it can possibly be regarded as a practical measure? Have not the labour difficulties in England gone on for years? In England the conditions are different; the labourers are all literate in their vernacular, which is English; they are organized; they have trade unions; and yet, in spite of all that, have labour strikes ended in England? I can assure the Council that if any panacea is found for this evil of strikes, no one will welcome it more cordially than the Government and the whole public. These are some of the difficulties which I wish to bring to the notice of honourable members and I would ask them whether they would wish to pass a resolution asking Government to appoint a committee on this question at once, before the problem, which, as I have told you, His Excellency and his Government have at heart, has been carefully examined in all its aspects and a decision is reached.

The next question dealt with in the resolution is that of the handling of labour strikes. Now, sir, I may tell the Council how carefully and skilfully His Excellency has handled the two strikes that have occurred during the last year and this. It is not a simple matter, as the Council will realise, when you have got to deal with such a large mass of people. At the former strike especially, there was a very serious deterioration in public health. These are all problems which cannot to my mind be dealt with hastily. They have got to be very carefully thought out. Therefore, the question of handling these strikes is a matter of the utmost difficulty, especially in view of the fact that labour is unorganized. Now I may tell you what happened on the occasion of the previous strike. His Excellency took the matter in hand with a view to making an effort to bring about a settlement between the millowners and the labourers. Well, the millowners are organized, they have got their association, and His Excellency sent for the representatives of their committee. At the interview His Excellency pointed out the desirability of millowners coming forward to meet the demands of the mill-hands to a reasonable extent. In these negotiations the millowners agreed to certain proposals which His Excellency the Governor thought were reasonable under the circumstances. Then, the difficulty was to get hold of the mill-hands and make them see the reasonableness of the proposals. Well, Government decided to ask about 100 or 125 mill-hands, consisting of one, two or three from each mill, who were supposed to be the leaders of the strikers, to meet them. His Excellency had them here in the Secretariat in this very room. His Excellency appealed to them pointing out the reasonableness of the proposals, but the result was not satisfactory. Certain other methods had then to be undertaken. Notices had to be posted on the mill premises intimating the concessions which the millowners were willing to make, and that strike eventually ended. On the present occasion the same difficulty arose. Certain people rightly claimed to represent the mill labourers, but the difficulty is that the labourers will not follow anybody. It must be obvious to honourable members that when labourers make a demand of this kind, or whenever there is any dispute between the employers and the employed, there is always a compromise. Now there must be some authority to make that compromise binding on both the parties. On the part of the millowners there is an established

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authority; on the part of the mill-hands there is none. I would ask the honourable members whether a committee, constituted I do not know how, will organize labour and organize trade unions so that organization will be a matter of possibility under present conditions. I take it that that is not a work which a committee of the nature proposed can accomplish, but that is a work which the social workers, educated men with a desire to do service to labour, should undertake. The committee cannot tell you how these two hundred and fifty thousand men employed in about 85 mills are to be organized. Real organization means—I want honourable members to realise—that the whole body will accept the decisions arrived at by their elected leaders. In the present state of illiteracy which is prevailing, and from what little insight Government have had in the views and sentiments of a large body of mill-hands during these two strikes, it appears to us extremely difficult, though eminently desirable, that there should be established some representative body whom the labourers as a body would follow.

If you think that that is a matter of practical politics, I would appeal to representative men to take the matter in their hands and to bring about this organisation. No one will be better pleased than Government, if they had, on such occasions, two representative bodies to be brought together, and thus bring about a solution of impending trouble. When we are dealing with the question, I want you to realise that Government are quite keen on doing something—what that something is is still a matter under consideration—in order to prevent a recurrence of such strikes which lead to not only heavy economic loss all round, but which endangers public health.

The Honourable Mr. Kamat wants the question of their social and economic conditions to be examined. I do not know whether he is aware of it, but I remember to have read some months ago that the Servants of India Society had deputed some representatives to carry on an enquiry into the social and economic condition of the mill labourers, that they made a report, and that they have pointed out that in most cases the labourers remain in a condition of chronic indebtedness. Now, any amount of social work could be done by public-spirited men in the direction of improving the conditions of labour. I had asked the Chief Secretary to Government to let me have a statement of the figures showing the excess excise revenue which we have now received under the new system and his figures are that while the total revenue from the whole of the Presidency amounts to Rs. 53 lakhs, Bombay gives Rs. 6½ lakhs out of it. That is, with a population of about 10 lakhs out of 2 crores, we have about 12 per cent. of excess excise revenue recovered from Bombay alone. Here is a direction in which a great deal of good can be done by public-spirited efforts in the matter of ameliorating the condition and making the position of the labourers better.

Then, as regards certain other measures which have been mentioned, I wish honourable members to realise that in an attempt to undertake the work of the amelioration of the condition of labour in the city there must be some definite co-operation between non-official and official agency. Now, Government have realised that the housing of the poorer classes in the city of Bombay is in a very bad condition, and their proposals have nearly matured, with a view to putting forward a very comprehensive scheme for the purpose of the better housing of the poorer classes in this city.

As regards medical treatment, I may tell the honourable members that in addition to what Government are doing in maintaining their hospitals, the municipality is also maintaining a large number of free dispensaries. One of the conditions of the recent strike settlement was that the millowners shall provide on the spot medical treatment for their employees. Those who fall victims to accidents will not only receive immediate medical treatment but will also be entitled to allowances.

Then as regards schools, honourable members are aware that Government, only last year, sanctioned a substantial grant to the Bombay municipality, for the purpose of the extension of primary education, with the object of making it in the immediate future free and compulsory for all people. I have taken a keen interest in the question of primary education in this Presidency, and I know that we have had several meetings at which representatives of the millowners were present, and they showed their readiness to, do everything in their power to contribute towards the establishment of schools and maintaining them. But the difficulty was—and a reference was made to it by the Honourable Mr. Munmohundass—to induce these children to attend the schools on a voluntary basis. It was seriously suggested at one time that Re. 1 or Rs. 2 a month should be paid to the boys who would attend the schools throughout the month. These inducements were suggested by a leading millowner of Bombay. The municipality are, I understand, willing to provide facilities for primary education provided a reasonably adequate

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number of pupils are willing to attend. It appears to me that the problem will only be solved effectively, when the Bombay corporation is able to make primary education free and compulsory throughout the city of Bombay. All the measures that can be taken in the meantime are being taken, and I am mentioning these things in order to show that, if this problem is to be effectively solved, it has got to be solved by a genuine and sincere co-operation between the official and non-official agencies. So far as the official agency is concerned, I have already told the Council what we have done. I have hinted at what the Bombay corporation is doing and I am prepared to give honourable members and, through them, to the general public an assurance that Government are prepared to do everything in their power to co-operate and help, and I trust that the responsible non-official element will come forward also to co-operate in this useful and beneficent work. We will thus progress along the path which all of us desire to tread.

Having said that, I will ask the honourable mover of the resolution and of the amendment, whether they would press them. I give the Council an assurance that all these alternatives are under the very serious consideration of His Excellency personally. What shape the action will take is still undecided, and I have pointed out to the Council where the difficulties lie, and it is not easy to meet those difficulties. At the same time, it is worth while considering whether, when the strike in Sholapur has practically ended within the last few days, at a time like this, any move of this description will not have a contrary effect to what every honourable member seems to desire. In view of all that I have said, I would ask honourable members to trust His Excellency to do the best he can under the circumstances and not to press this resolution to-day. The Government attitude in the matter is that they are not going to oppose it. But I trust that the honourable member will see, in view of what I have said, that the best interests of the public will be promoted if he accepts my suggestion, contents himself with the discussion and the assurance I have given, and withdraws the resolution.

The Honourable Mr. F. Clayton:—Mr. President.—In view of the remarks of the Honourable Member in Charge, I will, with your permission, withdraw my amendment, especially in view of the very definite assurance of Government's feeling on this subject.

The amendment was by leave withdrawn.

The Honourable Mr. B. S. Kamat:—Mr. President,—I have only one or two remarks to make regarding what has fallen from some of the previous speakers, as to the attitude of the Millowners' Association and the constitution of the settlement committee to which I have referred.

With regard to the remarks of the Honourable Sir Dinshaw Petit, I thank him for the statement he made on behalf of the Millowners' Association, that they welcome such a committee. The Honourable Sir Dinshaw Petit said, with reference to the closer association between the employers and the employees, that the managers and superintendents are responsible for that. But I beg to differ from him in that view; I do not regard it as the correct view to take. It would not be right, for instance, if His Excellency were to say "Here are the men, my Collectors and Commissioners, who have been appointed to carry on the administration; it is their business and not mine to be in close touch with the people." Similarly, I think that it is right that the directors ought to be in personal touch with the employees. That is my view.

With regard to what fell from the Honourable Mr. Munmohundass Ramji, I believe he referred to the formation of the recent labour settlement committee and their status. I believe it was not entirely in good form on his part to refer to that committee as if it were a committee consisting of men in the street. The committee wanted to negotiate between the millowners and the mill-hands out of a spirit of co-operation, to which the Honourable Sir Ibrahim has referred. If that sort of co-operation from men like Sir Narayan Chandavarkar and men from the Social Service Leage is not appreciated by the millowners, I say it is a regrettable thing indeed.

With regard to what he objected to in the matter of bonus, I believe it is now recognised throughout all countries that, when there are large profits made by any industry, it is due to the workers that they should participate in the profits in the shape of a bonus. I think that that sort of principle should be recognised both by the millowners and by Government, if they appoint a committee later on.

There are only one or two other remarks that I want to make regarding what fell from the Honourable Mr. Purshotamdas. He said that there was no necessity whatever to look into the conditions of factory labour. As I have said at the end of my resolution, I desire the improvement of labour conditions in general. It is not only the conditions of the mill labourers in Bombay that we have to improve. An enquiry is needed as to the

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conditions of the labourers employed in ginning factories as well. Why should the factory labourers not participate in the measures of improvement which we want to devise?

Now, I come to what fell from the Honourable Sir Ibrahim. I perfectly well agree that this is a complex proposition. It is not at all a simple proposition to enquire into so many complex questions. I also realise and frankly appreciate the efforts which His Excellency and his Government and the Honourable Sir Ibrahim are making in the solution of this acute problem. But I do not share his view regarding certain difficulties which he mentioned, namely, the difficulty about the constitution of a committee which I suggest. If we are inclined to appoint one, I do not think there will be any serious difficulty as regards its constitution.

As regards the point whether it is an opportune time or not, I agree that the atmosphere is too much ruffled since the Sholapur affair, and we are too near in distance from the recent strikes to be able to take a dispassionate view of the state of things; therefore, if this enquiry were adjourned or postponed a few months hence, I for one would not object at all if Government thinks that this is not a very favourable or opportune moment for enquiry. It is only a matter of detail whether the appointment should be immediate or six months hence.

So far as the permanent ending of strikes either in this country or anywhere else in the world is concerned, I think there can be no end to strikes so long as human nature is human nature. Even in England there are strikes to the present day, but they have enquired into the matter and devised machinery to be able to settle the matter whenever these untoward things do happen. Therefore, we should also look into the question and be ready with the machinery, whenever there are occasions for the settlement of strikes.

I perfectly endorse whatever the Honourable Sir Ibrahim has said, so far as the co-operation between non-official and official persons in this connection is concerned. Although I do not entirely belong to Bombay—I only partly belong to it—I for one can assure him that there are institutions here like the Social Service League and persons working in that league, who would be too cheerful and too glad if any methods could be devised for non-officials to co-operate with Government and also with the millowners. They have shown the spirit of co-operation already and they would be still more willing to offer their co-operation whenever it is wanted.

We are also glad that His Excellency is personally tackling the question of housing. I hope along with that there will also be considered one or two other questions, for instance, the question of drink amongst the work-people, and the question of the education of their children, and so on. However, I do not want to prolong the debate. Let me thank the Honourable Member in Charge for the assurance that he has given that very close and anxious attention is being given by Government and by His Excellency personally to this question; after the assurance which he has given, particularly after the statement he made that he is not going to oppose this resolution, I think the only course open to me is to withdraw the resolution and thank Government for the attitude which they have shown and the efforts which they are going to make.

The resolution was by leave withdrawn.

The Honourable the Vice-President (Sir G. Carmichael):—Resolution No. 24. The Honourable Rao Bahadur S. D. Garud.

"This Council recommends to His Excellency the Governor in Council that a committee be appointed to recommend what steps should be taken to make the administration of civil justice more expeditious and efficient in this Presidency."

The Honourable Rao Bahadur S. D. Garud:—Mr. President,—I do not think I need say much to convince this Council that the administration of civil justice in this Presidency is not at present as expeditious and efficient as it should be. In the statement of objects and reasons for the amendment to the Land Revenue Code, Government admit that "at present recovery is possible only through the agency of the civil courts and this method has been proved to be so dilatory that the need for an amendment of the law is recognised." From this statement it will appear that the simple question of recoveries of money is very frequently difficult and sometimes impossible and Government have, therefore, come to the rescue of co-operative societies by making this amendment in the act and taking away the jurisdiction of civil courts. The Privy Council too have frequently criticised the delays in civil litigation. We frequently find that the sub-judges' courts and District Judges' courts begin the year with files which everyone knows they cannot go through during the year and then fresh cases come in, with the result that the files keep increasing. In some cases

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relief is given by sending up an additional hand, but that relief is not adequate and, therefore, cases which do not engage the attention of the courts for more than 5 minutes, when they actually come up for hearing, are kept pending for 3 or 4, and sometimes even more, years. That is how simple cases that could be disposed of in a few minutes or days are kept pending for months and months, and sometimes years.

I shall now refer to the report of the administration of criminal and civil justice for the year 1918 to show what time the contested cases, which, in this particular year, amounted to about 54 per cent., took in each instance.

"The average duration of contested suits rose from 200 to 211 days, and that of uncontested suits from 88 to 101 in the year under report." "In the district courts the average duration was 333 days for contested and 180 for uncontested suits as against 401 and 137 days respectively in the preceding year. In the mofussil sub-courts the average duration was 229 days for contested and 113 days for uncontested suits as against 222 and 102 days respectively in the previous year. In the superior courts the average duration was 326 days for contested and 407 days for uncontested suits as against 335 and 364 respectively in the preceding year."

Practically a regular suit for a small amount of claim has to take so many days in the first court, so many days in the second court, and so many days in the final superior court. The sub-court somehow gets through the suit within less time than the district court, and the superior court takes, it appears, a longer time than the district court. The delays are frequently so annoying to the litigating public, and the pressure of the impending litigation is kept hanging for such a long time that there is a saying in our vernacular that a man must be a lunatic to go to the civil court. Government have at the back of their mind the very same idea. They want to discourage litigiousness. In other words, the revenue which should legitimately come into the coffers of Government is really being kept out, because we do not try to find out what should be done to improve the administration of civil justice in the Bombay Presidency. I submit, sir, these delays can very easily be avoided and I, therefore, suggest that a committee be appointed. I leave it to Government to decide what kind of a committee to appoint. I would suggest that a committee consisting of some judges, some practising pleaders and some of the non-official public, who will represent the litigating public might be appointed to consider what facilities should be provided to expedite the administration of civil justice and to make it more efficient. I am not criticising the procedure which is laid down by the Government of India Act and which is followed in the civil courts. I have no quarrel with the procedure or the personnel. But there are other things that lead to unnecessary delay and infructuousness in civil litigation. It will be seen that 54 per cent. of the civil work is disposed of without contest, so that practically many of the litigating parties, after waiting for an unduly long time, drop away on account of sheer exhaustion in some cases; other people take their place and these suits are disposed of by compromise without any contest at all.

Then take the execution proceedings. A man has got a decree from a competent court which has been confirmed by the superior court and which entitles him to a certain claim. He comes to the court again and the same procedure is to be gone through. There is so much delay in the first court, so much delay in the second court, and so much delay in the third court, until at last the decree becomes ripe for execution. The work of execution goes on and what is the result? Everybody knows that it is frequently infructuous. You will find, sir, from the figures given in this report that "out of the total number of applications for execution disposed of, 700 were disposed of by transfer. In 28,008 satisfaction was obtained in full and in 28,611 in part, while 70,325 proved wholly infructuous." So that the delay which takes place from the lodging of the suit until the realisation of the decree is so very great in practice that in a very large number of cases the proceeding is infructuous. And then the cost. The cost which is recovered from the unsuccessful party is exceedingly small compared to the amount actually spent on the litigation itself.

Now, sir, as I have said, in actual practice all these cases take a very few minutes of the court's time to dispose of, but then the huge files which keep on increasing really cause the great delays that we so often see. There are several remedies that can be suggested. One of them is to appoint practising lawyers from other districts as temporary judges to dispose of the files. This would not only expedite matters but would bring in additional revenue.

Now I shall read some of the figures which show the comparative litigiousness of the several districts. In some parts of East Khandesh, where the services of these civil courts are not available, there is one case for 110 inhabitants. In Bijapur the proportion is 1 to 331, while in Bombay it is 1 to 35. Is it intended to imply by these figures that the men

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in Bijapur are very well behaved and that the people in Bombay are quarrelsome? I submit, sir, that the reason is that the facilities which should be given to the people of Bijapur are not being given them. If they were provided, I am sure there will be one case for every 35 citizens or less. The question of facilities for litigants is never considered at all. I have never seen a court where a litigant's conveniences are at all considered. There is no convenience provided for him in the court house. He keeps loafing in the corridor, and everyone appears to feel that the man ought not to be there at all. Everyone appears to feel that he is like the man who goes to a grog shop where he ought not to go at all and all manner of inconveniences are invented for him apparently to discourage the feeling of litigiousness which is foremost in him. That is hardly the way of dealing with the poor people who come to seek justice. Justice ought to be cheap and justice ought to be quick and efficient. We ought not to encourage the feeling that it is better not to dispute one's claim and to give it up rather than undergo all the trouble to realise it. We ought to provide proper facilities to litigants and see that their reasonable claims are settled within a reasonable time.

Government have practically taken away most of their civil work from the jurisdiction of civil courts and there are several other . . . .

The Honourable the Vice-President (Sir G. Carmichael):—I must ask the honourable member to confine himself to the subject of the resolution.

The Honourable Rao Bahadur S. D. Garud:—Mr. President,—I bow to the ruling. But I think the reason why Government found it necessary to enact the Revenue Jurisdiction Act and the Land Revenue Code and similar other acts was to get their claims decided in an expeditious manner.

The Honourable the Vice-President (Sir G. Carmichael):—The question of the civil and revenue jurisdiction is entirely outside the scope of this resolution.

The Honourable Rao Bahadur S. D. Garud :—I merely intend to show, sir, that Government recognise the delays and . . . .

The Honourable the Vice-President (Sir G. Carmichael) :—I must ask the honourable member to obey my ruling in this matter.

The Honourable Rao Bahadur S. D. Garud :—In the matter of criminal justice the cases are disposed of expeditiously and within a reasonable time. A man is found thieving and within 24 hours he is placed before a magistrate and his case is decided in a day or two and, even if there are delays, they are so reasonable and practical that there is almost no unnecessary loss of time. It is nothing very unusual to find civil cases of no importance being kept pending for three or four years and I submit it leads to serious loss both to Government and to the public.

I therefore submit that a committee of the type that I suggest, or any other committee that Government might think necessary, be appointed and steps be taken to remedy these defects in our civil administration.

The Honourable Mr. D. V. Belvi:—Mr. President,—I move that this Council should be adjourned till to-morrow. There must be some limit to our work and I do not think it is fair to ask us to sit any longer. We cannot attend to the discussions that are going on at such a late hour. I therefore move the Council to adjourn till to-morrow.

The Honourable the Vice-President (Sir G. Carmichael):—I do not think that the honourable member is entitled to move for an adjournment of the meeting. He may move an adjournment of the business on the agenda but he cannot move an adjournment of the meeting. Having regard to the amount of the business on the agenda I think it desirable that we should try to finish this evening as much as we can, because some honourable members are very busy men and it is not desirable to detain them here longer than necessary.

The Honourable Mr. D. V. Belvi:—I move, sir, my motion for adjournment of the discussion on this resolution till to-morrow as a substantive resolution. Some of us do wish to speak on this resolution moved by the Honourable Rao Bahadur Garud, as it is an important resolution and I request you, sir, to place my motion for adjournment of the discussion before the Council. If that is not done, the only course open to me will be to leave the Council Hall and go home. I must say this frankly.

The motion for adjournment of discussion on the Honourable Rao Bahadur Garud's resolution was then put to the vote and lost.

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[*Rao Bahadur G. K. Sathe.*] [17TH MARCH 1920.]

The Honourable Rao Bahadur G. K. Sathe :—Mr. President,—I wish to offer a few remarks on the resolution moved by the Honourable Rao Bahadur Garud. By this resolution he asks for a committee to be appointed and he asks that the committee should recommend what steps should be taken to make the administration of civil justice more erpeditious and efficient in this Presidency. I do not really understand what is behind the back of my honourable friend's mind when he puts forward a resolution of this kind. We know it is a fact, from the administration report of criminal and civil justice, that there is some amount of delay, which is not really desirable, in the disposal of original suits and appeals. But is this the way to get over that difficulty?

Supposing a committee is appointed, I consider it as absolutely impracticable for that committee to suggest what steps should be taken to dispose of cases early. And as regards efficiency, I do not really understand how this committee can make any recommendations. When the candidates are selected for these posts they are selected because of their efficiency. On the question of speedy disposal of cases it will never do for any committee to lay down a particular rule. Disposal of a case depends upon various circumstances, *e.g.*, bulk of evidence, intricacies of law, competency of the bench and the bar, etc. It will always be a matter of personal equation.

The Honourable Rao Bahadur Garud has also suggested that attention is not being properly given to the requirements of the litigants. I do not pretend to say that I really understand what he wanted to convey by this remark. The greater the attention to the litigants the greater the tendency to fight and it is not in the interests of the people generally that we should adopt any measures which would encourage litigation. I am not aware of cases where litigants are badly treated. The speedy disposal or otherwise of cases is a matter for which not only the courts alone are responsible but for which the general public is also responsible. My honourable friend is a pleader of some standing and he will appreciate the force of my remarks when I say that the litigating populace, being generally not very intelligent, do not render any help to their legal advisers and it is on account partly of that that the delay is caused.

The remedy, sir, is in the hands of both, I should say in the hands of three parties. The remedy lies with the officers presiding over the courts, with the lawyers and with the litigants who come into the courts.

As regards the excessive delay in the disposal of suits and appeals, I have to make one more remark. I do it with the greatest reluctance but I will be failing in my duty if I do not do it, and that remark is that it is a matter of great doubt to me whether the officers who are now engaged in the disposal of this work give an adequate return for the money which they receive. It may be considered as a very serious allegation—far from that I do not intend to make any—but the present administrative machinery is such that they cannot give such time to the disposal of real judicial work as they ought to do. In order to mitigate an evil of this kind a new system is proposed to be introduced, and has been introduced in some districts, of appointing personal assistants to the District Judges. That might in a way give relief to the District and Sessions Judges and they will be able to do more work than they have been doing hitherto. Similarly, as I am dealing with this point, I may make one suggestion to Government for their consideration and it is this; that in cases of small amounts and in matters which are purely formal and ministerial the time of subordinate judges is wasted. Instead of that, if Government, in consultation with the Judges of the High Court, were to appoint a responsible officer on a pay better than what the clerk of the court or nazir gets in taluka courts to do such ministerial work and other work which really need not come before the Judges, it will give a great relief to the subordinate judges, and will reduce the delays of which we have always been complaining. In any event, the appointment of a committee to my mind seems an impracticable proposition and it will be no use asking Government to appoint a committee to investigate the causes of delays and also to recommend what steps should be taken to avoid the delays and how to improve the efficiency.

The Honourable Rao Bahadur Garud referred to certain statistics. Those statistics, sir, I am not inclined to believe to a very great extent, because a contested case means even a money suit in which the defendant comes and asks for instalments. Even such cases are included in the contested head. Therefore, the delay which really appears in the reports published by Government is much less than what really happens in the case of really contested cases. There I go much further than the Honourable Rao Bahadur Garud, that the delays in really contested cases are much more than what is represented to be in the statistics, which are based on the method which I have now indicated. Similarly, I have to make one other observation and it is this, that yesterday's resolution of the

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Honourable Mr. Upasani has cleared away much of the ground covered by this resolution. Government has already started that inquiry as to the redistribution of jurisdiction of the subordinate courts and the necessity of starting new courts. When efforts in that direction are being made, I do not see really the utility of a committee which is proposed by the resolution of the Honourable Rao Bahadur Garud. I therefore am not inclined to support him in the appointment of this committee.

The Honourable Mr. Harchandrai Vishindas:—Mr. President,—I am afraid I have to repeat my objection to the appointment of committees that I made yesterday to the committee proposed by the Honourable Rao Bahadur Naik and again to risk the indignant outburst of the Honourable Rao Bahadur Garud, the mover of this resolution. My reason for opposing this committee is that it is absolutely unnecessary. Now it cannot be denied that the grievance with regard to the delay in the administration of justice pointed out by the Honourable Rao Bahadur Garud does exist. But he forgets that this is not a new grievance at all. It is at least as old as Shakespeare, if not older, as witness law's delay being included in the woes of the world by Hamlet in his soliloquy. Besides " the law's delay " is an evil which exists in all countries, including those of Europe. If the Honourable Rao Bahadur Garud is right in saying that a litigant is very badly treated—although I have no knowledge of this—I believe this ill-treatment is meted out to discourage litigation. If so, discouraging litigation is a very desirable thing. I remember a Viceroy saying that people who resorted to litigation, " had lost their senses ". I quite agree with the remark made by some previous speaker that it is an act of lunacy to go to law. But we cannot on that account close down our law courts, for the simple reason that people who have got their just claims to enforce must have courts to resort to; otherwise it will give an opportunity to dishonest debtors to refuse to pay the first claims of their creditors. But the remedy for this evil, which exists to a very large degree not only in the parts of the country to which the Honourable Rao Bahadur Garud refers or from which he comes, but I say all over India, is not the one suggested by the honourable mover. I am a Sindhi, belonging to the province of Sind, between which and the province of Punjab, on account of their propinquity, a good deal of inter-litigation goes on. We know what the state of things is in the Punjab. There no date is fixed for the hearing of some cases for three years. Whilst this state of things is really deplorable—and nobody will say from one end of this Council hall to the other that this law's delay should be permitted—my opposition is based upon the fact that a committee cannot be of any practical use. One remedy which might suggest itself as a simple one is that a judge should cut down much of the cross-examination and some of the evidence tendered. But would an eminent lawyer of such standing as the honourable mover recommend such a remedy? Another obvious remedy is the increase of judicial staffs. That means money. That means some provision in the budget, and it is in the hands of the Honourable Rao Bahadur Garud as a member of this Council to make a suggestion to the Finance Committee to make such provision in the budget. Everybody will agree that proper methods and procedure ought to be observed and, at the same time, justice should be done as expeditiously as possible. I know of courts in cities and towns where justice is done expeditiously, but the reason is that they have got enough judges. For instance, in the city of Hyderabad, justice is administered expeditiously, because there is no subordinate judge, one joint judge and one District Judge, and probably also litigation there is not excessive. So, Mr. President, I submit that, whilst the evil is recognised, the methods by which delays of litigation could be avoided can be easily conceived by the man in the street. And no committee is required for the purpose. I would, therefore, ask the Council not to pass the resolution.

The Honourable the Vice-President (Sir G. Carmichael):—I do not think that I need say very much after the reply to the Honourable Rao Bahadur Garud which has been given by the Honourable Rao Bahadur Sathe and the Honourable Mr. Harchandrai Vishindas. As the Honourable Rao Bahadur Sathe pointed out, a large part of the honourable mover's speech traverses the ground which we went over yesterday in connection with the Honourable Mr. Upasani's resolution.

The Honourable Mr. R. P. Paranjpye:—May I enquire whether Government are going to accept that resolution? It was only passed by this Council by a majority of votes.

The Honourable the Vice-President (Sir G. Carmichael):—A large part of the matter dealt with in the Honourable Rao Bahadur Garud's speech covers the same ground as we covered yesterday and the opinion of this Council was expressed upon it yesterday on the resolution moved by the Honourable Mr. Upasani. What action Government are going to

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take on that matter is not germane to the subject under discussion just now. I believe it is the case that a great part of the delay arises from the ignorance of the litigants themselves and, I may also add, indolence. They will not take the trouble to bring their evidence and have it ready at the proper time. When the lawyer tells them that they must do a certain thing, they fail to do it, and, when the case comes up before the court, the matter is not ready and a postponement has to be asked for. The Honourable Rao Bahadur Sathe and the Honourable Mr. Harchandrai made it quite clear that there may be delays in the disposal of cases, but the remedies are not to be found by the appointment of a committee. Just as in the matter of the proposal made by the Honourable Mr. Kamat for a committee regarding labour unrest Government consider that no useful purpose would be served by such a committee, in the same way in this case also Government consider that the appointment of a committee would not do any real good. The matter has to be approached in another way. You have the High Court at the top of the scheme of the civil administration of justice. Then you have the intermediary stage of the District Judge. Now the procedure for litigation has been laid down in the Civil Procedure Code and it is the duty of the High Court to see that the provisions of that code are strictly enforced by the judges. If the superior courts insist that in each lower court these provisions are strictly carried out and that the subordinate courts dispose of their work as promptly as possible, if they exercise constant supervision in these matters, then things will improve. But I do not think it is very likely that we shall get other suggestions for improvement by the appointment of a committee. The Honourable Rao Bahadur Sathe has made one or two suggestions with regard to the disposal of routine matters in, I understand, the courts of the subordinate judges. His proposal was that, as in the district court, the appointment has been made of a personal assistant to the District Judge, who will relieve the District Judge of routine matters on which orders have to be given by a judicial officer, so also in the subordinate judges' courts similar arrangements might be provided and the subordinate judge thereby relieved of a large amount of work of a routine description to enable him to devote a larger portion of his time to the disposal of important cases. That suggestion, I will undertake on behalf of Government, will be closely examined. I may assure the Honourable Rao Bahadur Garud that, if Government are unable to accept this resolution, it is not because Government are not in sympathy with the object of his resolution, namely, a speedier administration of justice, but because they do not think that Government will be able to obtain any help by the appointment of a committee.

The Honourable Rao Bahadur S. D. Garud:—Mr. President,—I was very glad to get an assurance from you that Government were anxious to do all they could to serve the object of this resolution, and, whether they do so by the appointment of a committee, or whether Government constitute themselves into a sort of committee and consider this subject seriously, it would, I think, serve the same object. The Honourable Rao Bahadur Sathe appeared to concede that some steps to remedy the existing state of things were necessary but he appeared to be against the appointment of a committee. I say, sir, that a committee would have examined the whole situation and made recommendations which would have been readily accepted by Government as the considered opinion of a responsible body. Now, in this case, I make some suggestions; my honourable friend Rao Bahadur Sathe makes some suggestions; the Honourable Mr. Harchandrai makes some suggestions. All this practically amounts to making suggestions to examine the whole question. Take, for instance, the question of the adjournments. My honourable friend Rao Bahadur Sathe said that they were, in many cases, needed on account of the ignorance of the litigants. I submit, sir, that it was not those adjournments to which I was referring. He appeared to think that I wanted to unduly cut down the adjournments. I submit, sir, that if the circumstances require a day's adjournment the Court gives two months, because its file will not admit of a shorter adjournment. The court should be able to give an adjournment that is reasonable and needed in the circumstances. Adjournments are granted for the convenience of this party or that party, which should not take more than a day and the case is thus prolonged over a period of more than three years. As a matter of fact, the actual time of the court taken up in cross-examination, or in the framing of issues, or in the reading of the written statements of the defendant is much less than a day. What should be finished in a day, and with reasonable adjournments would be finished in a week, is prolonged and protracted for years and years. It is nothing unusual to see a case pending for three, four and five years, and a really contested suit pending for 12 and 13 years. The matter appears to have no end at all. Every contested point brings an adjournment of two or three months. I submit that these things can be remedied.

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The Honourable Rao Bahadur Sathe said that the subordinate and District Judges do not work as much as they should work. I strongly object to that statement. They work not only as much as they should work, but as much as they should not work. What can be expected of a District Judge? He writes his judgments in the morning, hears the cases and appeals in the afternoon and reads the papers at night. I am afraid he has very little time to spend upon himself. We know what is the proper amount of work that should be done by a District Judge. If the proper amount of work has been done, there is no need to find fault with the District Judge. But when he begins a year with a file which will take him all his labour for three years to go through, can we blame the District Judge? These subordinate judges are doing the very same work. They prepare the judgments, read the papers at home and listen to the eloquent arguments of pleaders like my friend the Honourable Rao Bahadur Sathe in court. (Laughter.) They have to come to a decision, and I suppose they do it in their leisure moments in the evening. I suppose that is quite enough work for a man. The remedy is not to expedite the work and merely reduce the quality of the work, but to give them fresh hands when they are needed. In the beginning of the year, if the court finds that there is a file which will take three years to decide, the best way is to appoint temporary judges for two or three months. It can be very easily done. If the parties will not appoint arbitrators, the court can do so, and bring the suit to a close. Instead of that, the whole file is kept pending till it can be finished. I submit that it is very hard on the judge. This was the particular thing which I was complaining about, and this is what really needs investigation. The second thing that I suggest is that the district judges can be relieved of much of their minor work if it is handed over to persons who are qualified to do it, for instance, sheristedars and nazirs. This is certainly one of the remedies that should be tried, and I am thankful that an assurance has been given that it will be considered. But I submit that this is only one of the remedies and does not cover the whole ground. Until the whole situation is examined, until financial proposals can be definitely made, I do not think the whole difficulty will be solved.

The demand for a committee seems to act like a hypnotic suggestion on the Honourable Mr. Harchandrai, and he said that he could not support it. There is nothing alarming in it. I do not want a big committee of 60 or 70 members. A small committee consisting of a couple of members will serve my purpose.

The Honourable Mr. Harchandrai seemed to think that I wanted that cross-examinations should be cut down. That is not what I want. I made a reservation in my opening remarks, and I say that I do not wish to interfere. . . . .

The Honourable Mr. Harchandrai Visindas:—May I offer a personal explanation, Mr. President? I did not say that the Honourable Rao Bahadur Garud wanted to cut down cross-examination. What I meant to say was that he would not approve of it.

The Honourable Rao Bahadur S. D. Garud:—I thank the honourable member for his explanation. There are certainly twenty other ways in which the time of the court can be saved and the work can be lessened. The essential work of deciding the case need not be cut down at all. The essential work of deciding the case, as I said and as I say now, takes a very little part of the time of the court. It takes 5 minutes in the district court, about 5 minutes in the superior court, and about a day in the lower court. That is perhaps the usual work that has to be done in any case which is not very much contested.

I am very glad, sir, that you have given an assurance on behalf of Government that the question will be considered. I take this assurance and beg to withdraw the resolution.

The resolution was by leave withdrawn.

The Honourable the Vice-President (Sir G. Carmichael):—Resolution No. 28. The Honourable Major C. Fernandes.

"This Council recommends that Government be pleased to move the Government of India to amend the Lepers Act, 1898, in the light of the present day knowledge of the disease of leprosy and the manner of its spread."

The Honourable Major C. Fernandes:—Sir, in view of the fact that the Government of India have recently introduced a bill in the Imperial Council to amend the present Leper Act, I beg leave to withdraw my resolution.

The resolution was by leave withdrawn.

HONORARY VISITORS TO FACTORIES.

[*The Vice-President; Mr. R. P. Paranjpye.*] [17TH MARCH 1920.]

The Honourable the Vice-President (Sir G. Carmichael):—Resolution No. 5. The Honourable Mr. Paranjpye.

"That Government be pleased to consider the advisability and practicability of appointing honorary visitors to factories in the various industrial centres in the Presidency to assist the regular factory inspectors in their work of seeing that the regulations are being regularly followed in all factories."

The Honourable Mr. R. P. Paranjpye:—Mr. President,—I have very great pleasure in moving the resolution that you have been good enough to read. I do not think that it needs many words from me to commend a resolution like this to the Council. At present there are several official inspectors of factories, and their number is about five; but one of them is apparently on leave, and this will leave only four; of course, another man may be appointed temporarily in his place. The number of factories is very considerable, I think something like 1,000. I have not got the exact figures, as I expected that this resolution will come up to-morrow for discussion, but I am only placing before the Council my general impression about them and I hope that honourable members will excuse me if the figures that I mention are not quite accurate.

As I said, there are, at present, spread all over the Presidency, about 1,000 factories, a large number of them in Bombay city and a considerable number in Ahmedabad. Of course, there are a few important centres, Bombay, Ahmedabad, Sholapur, Karachi and, to some extent, Poona. These are some of the most important places in which there are factories. But these factories are spread over the whole of the Presidency, and the only inspecting staff that we have is 4 or 5 inspectors of factories. Now, it will be easily seen that if the inspection of these factories is to be carried out properly, the number of visits that these inspectors should make to these factories should be fairly considerable. In the report on the administration of the Factories Act, statistics are given about the number of factories visited once, twice, three times, more than three times, and factories not visited at all. Consequently, the inspecting staff is, to my mind, comparatively small and the department very much undermanned. Of course, I may be asked why I do not propose the appointment of more official factory inspectors. In the first place, that would be very expensive and, in the second place, the appointment of more official factory inspectors would not quite do the work that I would like the honorary inspectors to do. Now, an examination of these reports on the working of the Factories Act shows us that there are several defects which are common in the factories. They are not definitely mentioned in plain straightforward terms, but, reading between the lines, one finds that there are a large number of things which the factory inspectors suspect but for which the facts and figures are not actually forthcoming. Thus, for instance, there is the question of the employment of children. I may say, before I go on, that I shall be again called upon to explain why I am interposing in a subject like this. But I have taken particular interest in the administration of the Factories Act, and I have made a considerable amount of enquiry about it.

But let me come back to the point of the employment of children. The law requires that no children under the age of 9 should be employed in factories and that children up to the age, I think, of 12 should be only employed at the utmost for half the time. Now, in the reports themselves you find certain hints that these regulations are not quite adequately observed. In fact, from other non-official sources we find hints given that in several places, which are not the actual residences of the inspectors, children under 9 are occasionally employed. But the question of half-timers is rather more important. These reports acknowledge that, although theoretically a large number of children are supposed to be employed for half the time, still these children often work the whole time. There are several methods in which this is done. Sometimes, the factory owners connive at a wrong description of the age of the children. Another way is that one child may work for half the time in one factory, and the other half in another factory. That, I am told, is a fairly common practice in some centres. It is very difficult actually to get facts and figures about these and for this purpose one has, to a great extent, to depend upon general impressions. But there is no doubt at all that certain of these abuses are prevalent in some places to a very great extent, in others probably comparatively to a small extent. But there is no doubt that some of these evils are prevalent.

Then there is the question of the employment of women. There are regulations that women are not to be employed beyond certain hours. They have got to work only about 11 hours during the day. I have heard complaints from people interested in these matters that this law is more or less evaded in several places. It is very difficult to provide facts.

HONORARY VISITORS TO FACTORIES.

[17TH MARCH 1920.] [*Mr. R. P. Paranjpye.*]

and figures. The only staff at the disposal of Government is these five factory inspectors, and it is very difficult for them to go into all the details concerning every one of these factories.

All that they can do is to make a general supervision, and there are various ways in which the honorary agencies that I am proposing might be of very great use. Of course, I do not wish to cast any aspersions upon the regular factory inspectors. But it is quite reasonable to feel that when an official inspector goes to a factory, of which the factory owners very often get previous notice, he is likely to find things kept spick and span and he may not be able to see any defects or evasions of factory laws. Moreover, when you put a certain number of people into positions in which there is an opportunity of temptation,—I do not say that people succumb to that temptation, but at any rate there is the opportunity of temptation,—one has got to see that some method is found whereby these temptations can be avoided.

Now, the number of inspectors is small. You cannot increase it indefinitely. First of all, the cost will be very great and, secondly, the day to day work may not be enough for all these inspectors. What I would propose is that honorary visitors for these factories may be appointed in several centres. I leave it to Government to choose these honorary visitors in order that they might visit factories without previous notice and find out whether the complaints that they are likely to hear in an indefinite manner are justifiable or not, whether the lot of the workmen is or is not as it should be. Therefore if these honorary inspectors are appointed, I think they will be able to do a great deal of useful work. I leave the appointment of these inspectors entirely to Government, so that they may choose the proper persons after seeing that their character is proper, that they are not likely to interfere needlessly with the factory owners, and that they do take a keen interest in the welfare of the work-people. It is not a case of various visitors going to educational institutions and putting a few remarks in the visitors' books. But here is a case of honorary inspectors who would be able to give an amount of help to the ordinary inspectors, so that any evasions of factory laws may lead to prosecutions.

I do not want to dogmatise upon the exact or detailed functions of these honorary inspectors, whether they can enter into prosecutions by themselves or not, or whether they can bring forward cases of evasions of the rules and regulations of the Factories Act before the regular inspectors. These honorary inspectors are not such a new thing as it might be supposed. There are various laws for the execution of which honorary agencies are made use of, even at present. For instance, there is the Society for the Prevention of Cruelty to Animals and there is the Society for the Prevention of Cruelty to Children. The courts, to a certain extent, recognise the status of these honorary agencies and entertain the cases which are brought forward by them. If we make use of honorary agencies in this manner, we shall be able to do away with the evasions of factory laws. If complaints are made, Government and the factory owners will know precisely whether the complaints are groundless or not. The kind of personnel that I have in view in connection with this resolution is responsible officers of associations for social welfare. In Bombay, for instance, there is the Social Service League, some members of which might be given the permission and status of honorary workers if they assure Government that they have a fair amount of spare time to devote to this purpose, so that they may go to the various factories and ascertain the state of things there, and not be told by the factory owners that they have got no business to enter their premises.

We have just recently been talking about organisations of workmen also. If these organisations come into existence, it may also be considered whether some responsible officers of these organisations may not be given facilities to visit factories in order to find out whether the factory rules and regulations, which are made in the interests of the work-people, are properly carried out. I hope that Government and the Council will see that I am not going to cause needless interference with the factory owners. If the factory owner is really following in all details the rules and regulations laid down, he has got no reason to fear these honorary agencies. An inspection of the kind that I propose will only be a terror to people who infringe factory laws, but will have no terror for those who act according to them. I have used very humble phraseology in framing this resolution. I have not made any cut and dried suggestions in my resolution. I am only asking Government to consider the practicability and desirability of the scheme. Whether they accept it or not is another matter. But I do want Government to consider the question in the light that I have represented. I hope that the Council and Government will be pleased to consider it.

HONORARY VISITORS TO FACTORIES.

[*The Vice-President.*] [17TH MARCH 1920.]

The Honourable the Vice-President (Sir G. Carmichael):—The Council will now adjourn till 11-30 o'clock to-morrow.

The Council then adjourned till 11-30 o'clock on Thursday, 18th March 1920.

By order of His Excellency the Honourable the Governor,

G. DAVIS,
Secretary to the Legislative Council
of the Governor of Bombay.

Journal of the Proceedings of the Legislative Council of the Governor of Bombay, assembled under the provisions of the Government of India Act, 1915.

The Council re-assembled at 11-30 on Thursday, the 18th March 1920, at the Council Hall, Secretariat, Bombay.

PRESENT:

His Excellency Sir GEORGE AMBROSE LLOYD, G.C.I.E., D.S.O., Governor of Bombay, *President.*

The Honourable Sir G. CARMICHAEL, K.C.S.I., I. C. S., *Vice-President.*

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

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

The Honourable the ADVOCATE GENERAL (Sir THOMAS J. STRANGMAN, Kt.).

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

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

The Honourable Mr. RUPCHAND BILARAM, LL.B.

The Honourable Mr. R. H. BROOKE.

The Honourable Mr. SHERIFF DEVJI CANJI.

The Honourable Mr. F. CLAYTON.

The Honourable Mr. J. G. COVERNTON, C.I.E.

The Honourable Rao Saheb HARILAL DESAIBHAI DESAI, LL.B.

The Honourable Mr. R. E. ENTHOVEN, C.I.E., I. C. S.

The Honourable Major C. FERNANDES, M.D., F.C.P.S., I. M. S.

The Honourable Rao Bahadur SIDDHANATH DHONDDEV GARUD.

The Honourable Dewan Bahadur KASHINATH RAMCHANDRA GODBOLE.

The Honourable Mr. MAHOMEDBHOY HAJEEBHOY.

The Honourable Shaikh GHULAM HUSSEIN HIDAYATALLAH, LL.B.

The Honourable Mr. J. D. JENKINS.

HONORARY VISITORS TO FACTORIES.

[*The Vice-President ; Mr. Purshotamdas Thakurdas ; Mr. B. S. Kamat.*] [18TH MARCH 1920.]

The Honourable Mr. BALKRISHNA SITARAM KAMAT.
The Honourable Khan Bahadur PIR BAKSH walad MIAN MAHMUD, C.I.E.
The Honourable Mr. P. J. MEAD, C.I.E., I. C. S.
The Honourable Mr. CHUNILAL VIJBHUKHANDAS MEHTA, LL.B.
The Honourable Rao Bahadur VENKATESH SHRINIWAS NAIK.
The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE.
The Honourable Mr. GOKULDAS KAHANDAS PAREKH, LL.B.
The Honourable Sir DINSHAW MANOCKJEE PETIT, Bart.
The Honourable Mr. MUNMOHUNDASS RAMJI.
The Honourable Mr. L. ROBERTSON, C.S.I., I. C. S.
The Honourable Rao Bahadur GANESH KRISHNA SATHE, C.I.E.
The Honourable Mr. C. N. SEDDON, I. C. S.
The Honourable Mr. PHIROZE C. SETHNA, O.B.E.
The Honourable Mr. H. O. B. SHOUBRIDGE, M.Inst.C.E.
The Honourable Colonel J. B. SMITH, C.B., I. M. S.
The Honourable Mr. PURSHOTAMDAS THAKURDAS, C.I.E., M.B.E.
The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI.
The Honourable Mr. HARCHANDRAI VISHINDAS, C.I.E., LL.B.

The Honourable the Vice-President (Sir G. Carmichael):—Order, order. Further discussion of resolution No. 5.

The Honourable Mr. Purshotamdas Thakurdas:—Mr. President,—I rise to oppose this resolution. This resolution is the second one of its nature which is moved by the Honourable Mr. Paranjpye at this session in which the commercial and industrial community of the Presidency is concerned. I am not one of those who would in the slightest degree object to any honourable member of this Council bringing up a resolution on any subject concerning the administration of this Presidency if he thinks himself qualified to do so. But, at the same time, I venture to submit that such a member should be the last person to get exasperated at any remarks from other members who may be in practical touch with the particular subject of the resolution that is moved and who may differ from him.

The remarks made by the Honourable Mr. Paranjpye, in the course of his reply on the first resolution that he moved in this Council, call for a few words on this subject which I am sure will be considered quite pertinent. In the course of his reply on the said resolutions the Honourable Mr. Paranjpye raised the question, or rather motioned the question of Capital *versus* Labour. I have no objection to his running down capitalists.

The Honourable Mr. B. S. Kamat:—Mr. President,—The honourable member is referring to some speech of yesterday and I rise to a point of order whether he is in order in doing so.

The Honourable the Vice-President (Sir G. Carmichael) :—The honourable member is in order.

The Honourable Mr. Purshotamas Thakurdas:—Mr. President,—I was referring to what the Honourable Mr. Paranjpye said in his closing remarks yesterday. I was going to say, sir, that in the course of his reply the Honourable Mr. Paranjpye tried to create a sort of feeling against capitalists, a class whom it may get fashionable to abuse. I do not wish to include myself in that class but, if I have the honour to be put in that class, I shall not be sorry for it. I submit that this Council will agree with me when I say that the interest of capitalists deserves as much attention as the interest of any other section of the population of this Presidency. And, whilst nobody claims special attention for capitalists, I certainly think that the interest of the capitalists should not be overlooked. The Honourable Mr. Paranjpye also in passing referred to what may happen in the reformed councils if certain sections took up a certain attitude. Might I ask him what would happen if certain honourable members of Council move resolutions and get impatient at the opposition of other honourable members as was done in the course of his reply by my honourable friend Mr. Paranjpye yesterday. So much then for the general aspect of the question which he himself raised in the course of the debate in the first resolution.

Coming to the resolution now before the Council, the honourable mover recommends Government to consider the advisability of appointing honorary visitors to factories in the Presidency. I am afraid I am at a disadvantage in speaking on this resolution, for I have not had the pleasure of listening to the remarks made by the honourable mover

HONORARY VISITORS TO FACTORIES.

[18TH MARCH 1920.] [*Mr. Purshotamdas Thakurdas; Sir D. M. Petit.*]

while placing his resolution before the Council. I wonder if the Honourable Mr. Paranjpye proved that the inspection of factories in the mofussil, or of factories generally, as it is carried out at present was incomplete or was not sufficient. If that was so, I think the right course is to recommend Government that more inspectors may be appointed and more facilities given to them to visit factories. I am not one of those who believe very much in honorary work, especially where business is concerned or where factories and industries are concerned. I do believe in honorary work in matters philanthropic and charitable, but, when it comes to Government being asked to supplement what their regular staff is doing, it may be too much to expect a citizen to go round factories and do honorary inspection. I do not know if the Honourable Mr. Paranjpye can point out many capable persons in the district and in the city of Bombay who have leisure to undertake this honorary duty and who can go into factories and point to various items which would require attention. I submit that a considerable training is necessary for the purpose of carrying out the duties of an inspector of factories without any interference with the rest of the work or staff of the factories. If the honourable mover has in view such a trained staff of honorary visitors being available, I should certainly like to know that from him. But my own experience, as far as factories in the mofussil are concerned, has been, as my firm has been controlling about 20 factories, that any such interference in the factories is most unwelcome to the owners, managers or proprietors of such factories. In many cases certain people moving in areas in which the factories are situated have some sort of grievance or other against such factories. There may be a leading zamindar or a sawkar who may consider a factory to be a nuisance and like it to be removed. And the would-be honorary factory visitors are likely to be men who have some sort of standing in a locality and who command a financial status in addition. What would happen in case of such honorary visitors going to factories? I beg to submit that in more cases than not the result of their visit may be a continued source of annoyance to those who are in charge of factories and of endless correspondence with Government as to the various complaints that factory managers may be making.

Then again, sir, what would be the responsibilities of these honorary visitors to Government? I submit that honorary visitors, when called upon by Government to render any explanation, may urge that, not having technical knowledge, they can do no better. If an additional staff is required for the purpose of the inspection of factories, I submit that it is up to Government to engage more trained staff, but it will not do to go in for honorary visitors. In some places there may be petty jealousies amongst various and influential men in a district and the less we have of honorary work to put in their way, the better. I know that under the Factories Act inspectors are restricted to inquiries under certain sections only.

The Honourable Rao Bahadur Sathe has very kindly pointed out to me that they are restricted to sections 22, 23 and 24. These are sections which deal particularly with the employment of children and of women. I understand that the honourable mover also wanted these honorary visitors to look into the sanitary arrangements concerned with factories and I certainly think that those who have to run such factories will be absolutely justified in saying that the staff that may be so employed should be one that will know their business and have a sense of responsibility and should not be an honorary staff which can walk in and out at pleasure and not be conversant with their duties.

I feel that the resolution is one which should not be accepted by this Council for the reasons I have stated and hence I beg to oppose this resolution.

The Honourable Sir D. M. Petit:—Mr. President,—I wish to oppose this proposition with all the emphasis that I can command, for I cannot conceive of a proposition which would be more mischievous than the one brought forward by my Honourable friend Mr. Paranjpye. While discussing the proposition about the strikes which was proposed by the Honourable Mr. Kamat, the Honourable Rao Saheb Harilal Desai pointed out how he saw that there was a likelihood of political agitation bringing about disaffection amongst the labourers and would be responsible to a considerable extent for the strikes. And, sir, if this proposition is carried, it would open the door to undesirable people to manœuvre their aims through factory labourers and bring undesirable influence to bear on them. People living in various centres would require, when the reforms are brought into force, to be in the good graces of several of the employees on account of the votes which they will wish to obtain, and, sir, in order to get into their good graces, there is no knowing what they will not do to incur their pleasure. I am at the same disadvantage

HONORARY VISITORS TO FACTORIES.

[*Sir D. M. Petit; Mr. G. K. Parekh; Rao Saheb H. D. Desai.*] [18TH MARCH 1920.]

as was the previous speaker in not having been able to be present at the time when the Honourable Mr. Paranjpye moved his proposition and in not having heard the arguments brought forward by him, but, if he has made out a case that inspection of factories at present is insufficient, it is open to Government to strengthen the staff of factory inspectors and, in that case, Government may very well get the extra expenditure out of the factory owners by charging heavier fees. But I cannot agree to any outsider interfering in the management of factories as I am sure it will be most mischievous in its results, and therefore I oppose this proposition and I trust the Council will reject it.

The Honourable Mr. G. K. Parekh:—Mr. President,—Though I do sympathise with the object of my honourable friend, still I oppose the resolution which has been brought forward by him. I should consider this proposition to be considerably in advance of the conditions which exist. I can very well understand volunteers coming forward for the helping of the spread of education; for helping in giving medical relief; and coming forward for the purpose of improving sanitation. These are all things for which you can expect respectable people to come forward; but, so far as the work which my honourable friend Mr. Paranjpye expects to be done by volunteers—a sort of police or detective work—I am sure you will not find really reliable men who can come forward to do that work. As the Honourable Mr. Purshotamdas has pointed out, various sorts of persons with various kinds of interests may come in if such an arrangement is sanctioned by Government or the legislature. Any person may come in, whatever may be his motives, and it is certainly most difficult to know whether a man comes from an improper motive or for the purpose of assisting the law. I am afraid there will be considerable differences arising between the executive organizations working under the Factories Act and the voluntary inspectors. There will also be a considerable amount of opposition from the managers of factories and I should think, instead of doing any good, an arrangement of this kind must lead to a considerable amount of difficulty and friction. I therefore think that this resolution ought not to be accepted by the Council.

The Honourable Rao Saheb H. D. Desai:—Mr. President,—The resolution requests Government to consider the advisability and practicability of appointing honorary visitors. I think that when a resolution is of this limited character and gives the Government a free hand in the matter, there is no reason why the Council and Government should not approach the question from a favourable standpoint. I can say from my information that there are indeed several evasions of the factory law committed in centres where there are mills and factories, and it is in the interests of labour as well as capital and the general public also that evasions of factory law ought not to occur. The officers appointed by Government—I mean the factory inspectors—are at present not enough to cope with the work and they cannot fairly be expected to be in a position to do so. Consequently, some arrangement is necessary to minimise the evasions of the law that appear to be occurring. The question is, how that could be done. The resolution wants honorary visitors to assist the regular factory inspectors. Now it is not clear to me whether the Honourable Mr. Paranjpye wishes these honorary visitors to work along with, and in the presence and company of, the factory inspectors or independently of them. If they are expected to work with the factory inspectors I think, sir, that there will not be much improvement, because, if the factory inspector in any given centre is not able to cope with the work, then certainly providing a companion to him would not improve the situation. If they are to work independently of the inspectors by giving surprise visits, then, sir, the question becomes important as to how far Government would be in a position to find men who would not take undue advantage of their position as honorary visitors. Taking the case of Ahmedabad, I may say that a gentleman and a social worker like Mr. Gandhi may be above all suspicion, but, if we go to find other men of his type, it may be rather difficult to find them. At other centres also there may be very few men of that type who would not allow their zeal to outrun their discretion. Under these circumstances, of course, if the honorary visitors are meant to work independently, there would be some difficulty in finding men. But, as the Honourable Mr. Paranjpye wants the support of this Council to request Government to consider the advisability and practicability of appointing honorary visitors, I think there is no harm in requesting Government to consider this question, if necessary, after consulting the Millowners' Association and other parties concerned, inviting their opinions, and then considering the whole question from a practical standpoint. What will be the result of that consideration I cannot say at once, but I think that we do not lose anything by considering the question because it is in the interests of the public, of labour, as well as of capital that evasions of factory law ought not to take place, and it cannot be denied that at present they do take place and some remedy is necessary. I would therefore leave the resolution for the favourable consideration of Government and this Council.

HONORARY VISITORS TO FACTORIES.

[18TH MARCH 1920.] [*Mr. B. S. Kamat; Mr. Phiroze C. Sethna; Rao Bahadur G. K. Sathe.*]

The Honourable Mr. B. S. Kamat:—Mr. President,—From the remarks which fell from the Honourable Mr. Purshotamdas and the Honourable Sir Dinshaw Petit, it seems to me that they have a peculiar suspicion regarding non-official visitors. Now, what does the Honourable Mr. Paranjpye want these honorary visitors to do? He has clearly stated it in his resolution in these terms: "to assist the regular factory inspectors in their work of seeing that the regulations are being regularly followed in all factories". Now, do the factory owners want the regulations to be regularly followed or not? If they want them to be strictly followed, then why should they object to inspection by non-official visitors? If they are really afraid of non-official supervision or inspection, it means that they are not keen on the regulations being strictly followed. I therefore think that purely on the ground of principle there should be no objection whatsoever to allow any responsible non-official men to come and visit a factory to see if the regulations under the factory law are put into force. The same practice in the case of jails, for instance, has been accepted by Government. There are non-official visitors even in the case of jails, and I do not see why non-officials of a responsible class should not be allowed to go into factories only to see that the regulations framed by Government are followed. The honorary visitors will point out that regulation number so and so is not strictly adhered to either by the factory owner or by somebody else, as the case may be. Therefore, limited as their powers would be to merely drawing attention to any non-observance of the factory regulations, I do not see why non-official honorary visitors should not be appointed.

I am really extremely sorry to find that men belonging to the capitalist class should show a sort of suspicion as regards the work of non-official visitors instead of inviting their co-operation in seeing that the factory law is strictly observed, and I am really surprised to find that honourable members like the Honourable Sir Dinshaw Petit should think or say that political agitators are at the bottom of industrial or labour strikes, as if there is no political agitation connected with any other subject. Probably every one of us in this Council is an agitator from one point of view or another, and I do not think the remarks of the Honourable Sir Dinshaw Petit were justified.

The Honourable Mr. Phiroze C. Sethna:—Mr. President,—I rise to oppose this resolution, for I believe, sir, it will create unnecessary interference. Like some of the previous speakers I too labour under the disadvantage of not having heard the honourable mover's remarks on his resolution yesterday, but I cannot possibly conceive what other arguments he could have advanced for the acceptance of this Council beyond what I have heard from the Honourable Rao Saheb Desai and the Honourable Mr. Kamat who have spoken to-day in favour of the resolution. Honorary visitors to factories will in most cases be merchants themselves, perhaps business rivals. The honourable mover of the resolution suggested they should be men of status. I do not know whether in the course of his speech he desired that they should be lawyers or members of the Education Department. I think, sir, that this resolution, if passed, will unnecessarily interfere with the business of factory owners. The visitors may be men of substance and status, but does the honourable member desire that they should know the business secrets of other firms? A reference was made to the case of jails where also there are honorary visitors. The analogy will not hold good, for honorary visitors to jails cannot set up rival shops as honorary visitors to factories can. At this rate we may propose honorary visitors to assist the income tax collector in the levying of that tax and with the same reasoning as is perhaps advanced in favour of this resolution. Surely, sir, this resolution ought to be thrown out.

The Honourable Rao Bahadur G. K. Sathe:—Mr. President,—I wish to support this resolution, but, before I do so, I want to move an amendment and with your permission, sir, I shall move it at the end of my speech.

Taking into account the remarks of the last speaker, I think he is labouring under a great misapprehension when he says that these honorary visitors will be business men or rivals in business. If he were only to turn over to the definition of the word "inspector" as given in the act, he would find that it has been laid down that:—

"No person shall be appointed to be an inspector under sub-section (1), or, having been so appointed, shall continue to hold the office of inspector, who is or becomes directly or indirectly interested in a factory or in any process or business carried on therein or in any patent or machinery connected therewith."

If that is the care which legislation has taken in defining the word, does my honourable friend apprehend that Government, in nominating these honorary visitors, would override this provision of the law and nominate men whom we would style as business rivals, or men interested in knowing the secrets of other people's business?

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The second point which I want to make out is that there are certain matters in the working of factories, which are of a technical character, and I do not for a moment believe that honorary visitors would be of any use in helping the paid inspectors in matters which are technical. From that point of view, the Honourable Mr. Paranjpye's resolution is rather wide. What is really wanted by the honourable mover of the resolution, if I have rightly understood him, is that as the factory inspectors are very few, as they cannot cope with the work, and as their visits are often on previous intimation, the defects are not noticeable there when the inspectors go and visit the factories. In order to get over this difficulty, it seems to me that the honourable member has brought forward this resolution. I would suggest to him that, if he accepts the amendment which I wish to move, the fears of the Honourable Mr. Sethna, who spoke about business rivals trying to know secrets and other things, will vanish. I therefore propose the following amendment:—

"Drop the words after the word 'Presidency' and add the following:—

'for the purposes of sections 9 to 14 and 23 to 27 of the Factories Act as Government may assign to them'."

The resolution, as amended, will read as follows:—

"That Government be pleased to consider the advisability and practicability of appointing honorary visitors to factories in the various industrial centres in the Presidency, for the purposes of sections 9 to 14 and 23 to 37 of the Factories Act as Government may assign to them."

The Honourable the Vice-President (Sir G. Carmichael):—I think the wording is somewhat ambiguous. Government cannot assign the purposes. I do not quite know what Government are to assign.

The Honourable Rao Bahadur G. K. Sathe:—I have taken the wording from the act itself. I think mahalkaris and mamlatdars are appointed as inspectors; they are not given all the powers but only certain powers. I refer to the notification of 4th August 1914.

The Honourable the Vice-President (Sir G. Carmichael):—I will admit the amendment of the Honourable Rao Bahadur Sathe, but I find that it is somewhat difficult to undertake the task of putting it in proper form. I think the Honourable Rao Bahadur Sathe might dispense with the proposal to move an amendment because, after all, what I think the Honourable Rao Bahadur Sathe desires is to secure that Government should consider the advisability of appointing these honorary visitors for the performance of certain specified duties. I think the Honourable Rao Bahadur Sathe's proposal is all included in the proposal of the Honourable Mr. Paranjpye, and, for the purpose of saving the time of this Council, it would be better if he allowed the resolution to stand as it is.

The Honourable Rao Bahadur G. K. Sathe:—Mr. President,—My object in placing this amendment before this Council is that I do not want these honorary visitors to go and inspect the technical details of the working of the factory. I want honorary visitors for the purpose of going and inspecting the factories, so far as the sanitary arrangements are concerned, also as regards the employment of women and children, and seeing as to whether the women and children are employed for a greater number of hours than those specified by the Factories Act. That was my view when I proposed my amendment. I wish to state for the information of the members of this Council that, in the case of factories where there are a large number of people working, the law lays down certain standards and certain rules and it is desirable that surprise visits should be given by some honorary visitors to these factories, in order to find out whether these rules or these provisions are being properly observed or not. There is no room, it appears to me, for the apprehension which was suggested by the Honourable Mr. Parekh that these volunteers might go at any time and do anything. I was not able to understand what my honourable friend Mr. Parekh meant by volunteer. This resolution does not intend to give any man in the city or local area the power to go and inspect the factory. The demand made by the resolution is that Government should consider the practicability or advisability of appointing honorary visitors, and one can certainly rely upon the good sense of the officers who are to recommend honorary visitors, and I think, on that ground, there should be no apprehension of the kind which was indicated by the Honourable Mr. Parekh.

The word "visitor" need not frighten us, because Government would always take care to choose visitors of a class, the interests of which did not conflict with the interests of factory owners or those who manage factories, and to me it appears that it is but right that such places should be accessible to men who are chosen by Government and who are appointed to find out if particular clauses are properly attended to.

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In this case the Honourable Mr. Paranjpye's demand is extremely modest. He does not intend to pin down Government to any line of action. He has only brought to notice certain conditions under which factories are being worked at present, and he uses the words "advisability" and "practicability" of appointing honorary visitors. If Government, even after accepting this resolution, comes to the conclusion after enquiry that it is not advisable to appoint such visitors, this resolution does not bind them to take any particular action. It only wishes that Government's attention should be called to this question and that Government should consider this question in the light of the discussion that we have had in this Council. With these few words, I beg to support the resolution moved by the Honourable Mr. Paranjpye.

The Honourable Mr. R. H. Brooke :—Mr. President,—I am not in favour of honorary visitors to factories in any shape or form whatever. I think they will be no good and may prove troublesome to the factory managers and to the work going on in the factories. A regular factory inspector, if he is properly qualified, can make his inspection without very much interference with the work going on in the factories. He knows what books to inspect, what questions to ask, and so on. Some of these honorary inspectors may of course be competent and able to do the work, but I should fancy the majority will prove very troublesome by asking innumerable questions and by inspecting all sorts of things which do not need inspection and will interfere very seriously with the routine work in the factories. If factory inspection is not carried out efficiently or if it is not carried out frequently enough, I submit the remedy lies in getting better trained factory inspectors or in increasing their numbers and not in soliciting the help of amateurs.

The Honourable Mr. Rupchand Bilaram :—Mr. President,—Coming as I do from Sind where there are no factories, I am not interested in speaking in favour of the factory owners or of the workmen. My point in opposing this resolution is just this. The Honourable Rao Bahadur Sathe said there could be no objection to appointing honorary visitors who were not interested directly or indirectly in a factory or in any process or business carried on in it, and he quoted section 4 of the Factories Act defining an inspector. But the resolution refers to honorary visitors; it does away with the word "inspectors" altogether. Now, the visitors who may be appointed may be interested. Therefore reference to section 4 of the Factories Act will not meet the point raised by the honourable members opposing the resolution. If the meaning of the resolution is that honorary inspectors are to be appointed, the resolution is unnecessary, because I find in section 4, sub-section (*1*), of the Factories Act that:—

"The Local Government may, by notification in the local official Gazette, appoint such persons as it thinks fit to be inspectors of factories within such local limits as it may assign to them respectively."

That is, any person can be appointed as an inspector. It does not matter whether he is paid or he works honorarily. So it comes to this that if the complaint is that the inspectors who are appointed are not sufficient, it follows that more inspectors are required. If that is so, I submit there is no reason whatsoever for moving this resolution, for Government can appoint more paid inspectors to cope with the work and, as has been pointed out by the honourable member who preceded me, it will not be right to have two agencies.

(His Excellency the President at this stage occupied the chair.)

Your Excellency,—For these reasons I oppose this resolution.

The Honourable Mr. Munmohundass Ramji :—May it please your Excellency,—I also rise to oppose the resolution on the ground that the mover of the resolution has not made out a sufficient case before this Council to accept his resolution. He started with the fear that there were 800 and odd factories and that the number of official inspectors was too small to inspect all these factories. If we look to the administration report of the factory department, we see that in all there are 868 factories in this Presidency out of which 550 are working periodically—gins, presses and other factories work for seasons only, and for about 7 or 8 months they are closed. I do not think the mover of the resolution had an idea of bringing within the purview of this resolution all these factories. We have now to deal with 318 factories only which are working throughout the year. To inspect these 318 factories we have got a chief inspector and 6 other inspectors. Two of these are allocated to Bombay up to Nasik, one is allocated to Ahmedabad. Then there are other acting inspectors. Now, to prove his case, he ought to have stated that, if the number of inspectors was inadequate, still the number of prosecutions that they bring to light should be very great, besides undetected crimes. There too we find there were only 16 prosecutions during the last year, and, although the reasons have not been given, the majority of them were for protecting machinery. If we

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take out these from the whole list, there remain very few prosecutions in regard to this point. The honourable mover tried to make out that the number of undetected crimes was a large one in the shape of engaging children, who ought not to work there, or of employing women for longer hours than prescribed by law. With so many inspectors that we have and with so few prosecutions, I do not know how the Honourable Mr. Paranjpye can make out a case for asking Government to consider the advisability of appointing honorary inspectors. The previous speakers have pointed out the impracticability and inadvisability of appointing such honorary workers. And, even if Government accept this resolution, what will be the result? There are certain bodies going round in Bombay who will very likely succeed in getting some favour from the officer appointed to nominate such honorary visitors and we can expect nothing but mischief all along. I say that if the honourable mover had made out a case that the inspecting staff at present is inadequate, he ought to have suggested an increase in the staff in order to have the work done more efficiently.

But he has not done that and simply what he wants is that certain people should go and have the pleasure of visiting factories and have the satisfaction of getting somebody hauled up who is supposed by them to have committed a breach of the act. He points out, in the first place, that there is the wrong description of children which is resorted to. I cannot understand what he means by that. All children before they are employed have to get a certificate from a surgeon that they have got themselves examined and when the children are at work they have to carry the certificate with them in order that they may be able to produce it whenever required by the inspector to see and find out whether they are under age or over age and whether they are half-time workers or whole-time workers.

His Excellency the President:—Order, order. The honourable member must not go into the close details. This is a general resolution and the honourable member is not entitled to go into small matters of detail on this general resolution.

The Honourable Mr. Munmohundass Ramji:—There would be a great objection in appointing honorary visitors to factories as proposed. With these remarks I strongly oppose the resolution.

The Honourable Sir Ibrahim Rahimtoola:—Your Excellency,—The honourable mover wishes the Council to recommend to Government to consider the advisability and practicability of appointing honorary visitors to factories in the various industrial centres in the Presidency and I may inform him that Government have given the matter their careful consideration and have come to the conclusion that it is not advisable to give effect to the suggestion which he has made in his resolution. If the object of the honourable mover is that Government should consider these points, then his object is gained as I have already informed him that Government have considered the matter and they do not consider it either advisable or practical to appoint honorary visitors for the inspection of factories.

Amongst the many reasons which the honourable mover gave he laid emphasis on the point that there is room for temptation in the case of men who are employed to carry out inspection duty. I quite recognise that in all such matters where executive action is required there is room for temptation, but I should like to ask the honourable mover to consider whether, in the case of officers drawing substantial salaries and entitled to pension on retirement, there is not some safeguard against submission to such temptation while in the case of honorary visitors who would be equally open to these temptations there are no such safeguards. So that, even while accepting the point that the honourable mover made, that these matters are open to temptation, the lesser of the two evils appears to be to have responsible officers with a substantial stake to do the work rather than associate honorary visitors whose risk is comparatively much smaller.

Then, sir, I should like to draw the attention of honourable members to the various sections to which the Honourable Rao Bahadur Sathe drew the attention of the Council. The Honourable Rao Bahadur Sathe referred to sections 9 to 14. These sections deal with the sanitary provisions, provisions as to ventilation, lighting, purity of water, use of latrines and urinals, etc. Now, I do not think that these are matters which need any non-official visitors. These are not matters which very frequently vary. These are permanent measures for the sanitation of the factories and the medical officers of Government are quite competent to pay official visits to see that these sanitary measures are adequately attended to. Sections 23 to 27 deal with the employment of women and children. Now, I want honourable members to realise what the law has done with regard to both these classes of employees. As regards children, it is distinctly provided that a child shall not be employed in any factory without a certificate granted and signed

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by a doctor. Sections 7 and 8 lay down that the child ought not to be less than nine years of age and ought to be fit for employment. While at work the child has to carry the certificate with him.

Under section 7 it is provided that—

"(1) A certifying surgeon shall, at the request of any person desirous of being employed in a factory situated within the local limits for which he is appointed or of the parent or guardian of such person or of the manager of the factory in which such person desires to be employed, examine such person and grant him a certificate in the prescribed form, stating his age, as nearly as it can be ascertained from such examination, and whether he is fit for employment in a factory.

(2) Where a certifying surgeon refuses to certify that a person is fit for employment in a factory, he shall, if required by such person, or his parent or guardian, or the manager of the factory in which such person desires to be employed, state in writing his reasons for such refusal."

So that the mill management have under this section to satisfy themselves before employing the child who holds the certificate and it is provided that he shall carry the certificate as taken on his body when he is in service.

As regards employment of women, section 24 provides that no woman shall be employed in any factory before half past five o'clock in the morning or after seven o'clock in the evening; that no woman shall be employed in any factory for more than eleven hours in any one day.

Section 25 provides that no person shall employ, or permit to be employed, in any factory any woman or child whom he knows, or has reason to believe, to have already been employed on the same day in any factory.

It will thus be observed from the provisions of the act which I have read out to the Council that adequate measures have been provided by legislation to safeguard the interests of children and women labourers. As a matter of fact, honourable members very probably know that a few years ago the "Times of India" started a strong agitation against the sweating of child labour and legislation has since been undertaken to protect them.

Now it has been alleged, and I think to a large extent the view is held by the public, that there are evasions of the act under these two heads, the employment of children and the employment of women. But I ask honourable members to state in what manner they can efficiently be controlled. The only thing in which complaint has been made is that children who can only be employed for only six hours manage to get employed in other factories during the remainder of the day. That is an evil to which attention has been drawn and Government have taken every action to see that this is not done. But they will very gladly welcome any evidence that can be brought to show that any particular factory or factories are indulging in a breach of this law. As a matter of fact the point has not escaped the attention of Government and Government, in co-operation with the municipal corporation of Bombay, considered the question of establishing in mill areas primary schools for the purpose of these children who may have served one shift in one factory and during the rest of the day attend the primary schools. But at the same time it must be pointed out that Government cannot take action in regard to these allegations unless there are people who are prepared to obtain direct evidence to show that the law is evaded in this respect.

Then, sir, there is one point to which I should like to draw attention. It is reported to Government, and I think it will be accepted by the Council, that these inspectors require to have considerable technical knowledge to carry out their duties. It is obvious that these honorary visitors cannot have such technical knowledge and the question is whether the men appointed in the manner suggested would be any good at all. Government are informed that in no country, as far as they are aware, honorary visitors are appointed for this purpose. I ask the honourable mover whether, under these circumstances, he would press his suggestion.

The Honourable Rao Bahadur Sathe drew attention to section 4 which deals with the point that no inspectors shall be directly or indirectly interested in the factory. It will be a very difficult problem for Government to find out, before honorary visitors are appointed, whether they hold one or more shares in the companies in whose factories they would have to carry on the work of inspection.

In view of the explanation given, I hope the Council will recognize that the conclusion to which Government have come is a sound one, namely, that the suggestion is neither advisable nor practical. Government will therefore oppose the resolution.

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The Honourable Mr. R. P. Paranjpye :—Your Excellency,—I was rather surprised at some of the arguments that have been used by the honourable members in opposing the motion. Take, for instance, the Honourable Mr. Munmohundass Ramji and several other honourable members who said that it would cause needless interference in the work of the factory managers. If one can enter into the hearts of these capitalists and millowners and managers, I believe they consider that the regular factory inspectors themselves are a nuisance, and, if they only could get rid of them, I should consider they would regard it a great relief. The question is not whether it is a nuisance to them or not. The question is whether we require these safeguards in order to see that the regulations that we consider necessary are really followed or not. It is not a question of what the owners of these factories would like so far as they are concerned.

Then there is the argument brought forward by my honourable friend Mr. Purshotamdas about philanthropic work of this nature. We have all very great respect for the Honourable Mr. Purshotamdas for the very great philanthropic work that he has done during the recent famines, but, if we were to consult some of the people engaged in the fodder trade or the corn trade as to what they think of my honourable friend's philanthropic work, I am sure they will all say "This man is a great nuisance, he has created unnecessary interference with our business". Well, here is a business question. There are a large number of people who are already regularly doing this work of inspection, but we feel that, in certain respects, philanthropic agency of this nature would be sometimes useful and it is from this point of view that I have brought forward my resolution.

Take, again, the argument brought forward by the Honourable Member in Charge. He asked me to bring all the evidence that I have to produce in support of the alleged evasions of the law. The very proposal of appointing honorary visitors which I have brought forward would be just the means of getting evidence if there are any such evasions of the law. The popular opinion is that there are a good many evasions. By appointing honorary visitors you would be able to get evidence of any evasions of law that may be taking place, and, when you say that this is not practicable because you have no evidence, you stop the way of actually getting the evidence. Well, I think the points that I have mentioned will show that all the three arguments, about the nuisance to the managers, about philanthropic work being impossible in these matters, and about evidence, have really no weight. I am sorry that several of my capitalist friends were not able to hear the points that I made in my opening speech.

There is just one more point that I may mention. The Honourable Mr. Munmohundass referred to certain statistics given in the factory report and he said that there were only about sixteen prosecutions during the last year and that most of these sixteen prosecutions were for protecting machinery, and that prosecutions for other evasions of the law were very few. That is exactly my point. Permanent evasions, *e.g.* about the fencing of machinery, I think, can be seen easily by the factory inspectors. But temporary evasions, such as temporary employment of women and children, can be stopped when regular inspectors are coming, and it is very easy to throw a blind in the eyes of the regular factory inspectors. My object in asking for honorary visitors is that they will be able to pay surprise visits to factories and detect any evasions of the law, and when my honourable friends bring forward arguments of this nature, all that I can say is that they are not prepared even to see whether the public impression in this matter of the evasion of factory laws is justified or not. It may be wrong, as I say, but there is no question that there is a public feeling that some of the clauses about the conditions of factory labour are evaded and that it is to the interests of factory owners to evade them. I want to get at the real facts about the situation. I want to see surprise inspections made by people who are reliable and whom Government consider responsible people, and from these people I want definite conclusions either for or against these evasions, and when my honourable friends come forward and assume an entirely *non-possumus* attitude about these matters, I think people can draw their own conclusions. I do not know whether the suggestion is practicable, but it is a suggestion that I made to some gentlemen who are connected with social work in connection with these factories. When I told them that this was one way in which factory law evasions may be properly examined by responsible people, they said they would welcome it. And, again, about the personnel of the honorary visitors I say that I do not want any people who are engaged in business, but there are in the city of Bombay and Ahmedabad people of the most unexceptional character. My honourable friend Rao Saheb Desai mentioned the name of Mr. Gandhi. There are several other gentlemen in Bombay who could undertake this work. There is an institution, for instance, known as the Social Service League, some of the members of which are absolutely above reproach and in close contact with conditions of the labouring classes. When you hear of complaints that the law is evaded

HONORARY VISITORS TO FACTORIES—ACCOMMODATION FOR NON-OFFICIAL MEMBERS OF THE LEGISLATIVE COUNCIL.

[18TH MARCH 1920.] [*Mr. R. P. Paranjpye; the President; Shaikh Ghulam Hussein Hidayatallah; Sir G. Carmichael.*]

and that the regular factory inspectors are unable to detect the evasions, if some of these people are appointed honorary visitors, they may be able to probe these matters to the bottom and the public would have a decent assurance in the matter. But I believe my honourable friends interested in factories do not wish to have any such inspection; and, if so, people will draw their own conclusions.

I think my resolution has led to an interesting discussion and I am perfectly content with having ventilated the question in this manner. It is no argument to say that because this thing is not done in other countries therefore we need not do it in our country. If a reasonable suggestion is brought before Government, I do not see why it should not be considered on its merits whether it is acted upon in other countries or not. In other countries labour is organized and there the labour organizations may be able to see that the factory laws are strictly observed. In this country, as you know, labour is not properly organized and the only resource they have is the very dangerous weapon of strikes. Still, some small mitigation of their conditions might be taken up before the situation assumes a very critical position and my propositions show perhaps how that something might be done. But I am afraid my honourable friends of the capitalist class are not inclined to do anything. However, I do not wish to press my resolution to the vote and I would beg leave to withdraw it.

The resolution was by leave withdrawn.

His Excellency the President:—Resolution No. 8. The Honourable Shaikh Ghulam Hussein Hidayatallah.

"This Council recommends to His Excellency the Governor in Council to make due provision for the lodging of the non-official members of the Legislative Council, during the sitting of the Council, either by the reservation of accommodation in the hotels or by the construction of residential quarters."

The Honourable Shaikh Ghulam Hussein Hidayatallah:—May it please your Excellency,—For the last few days we have been confining our discussion to the convenience of others. My present resolution relates to the convenience of the members of this Council, especially those who come from the mofussil. Honourable members need not be surprised at my bringing forward this resolution, for members of the Imperial Legislative Council at Delhi, where there is not sufficient hotel accommodation, have actually residential quarters. I am going to show that there is not sufficient hotel accommodation. Ordinarily we have four meetings, two at Poona and two in Bombay. In Poona I think my honourable friends from the mofussil will bear me out when I say that we cannot get accommodation in any of the decent hotels; in fact, we have to live on the hospitality of our friends. But, in view of the enlarged reformed Councils, the number of members will be over 100 and we shall have to sit much longer than at present and I do not think it fair for us to live on the hospitality of friends. Now coming to Bombay, sir, there is great dearth of hotel accommodation, and even Government have consented to the use of the Royal Institute of Science as a temporary hostel because of this shortage of hotel accommodation. And, as Government is going to build a new Council Hall for the reformed Council, I think a few residential quarters may also be constructed for outside members. With these remarks I place this resolution before the Council for their acceptance.

The Honourable Sir G. Carmichael:—May it please your Excellency,—We all know there has been difficulty as regards hotel accommodation in Bombay and in Poona, and Government have given the matter very close attention. They have made temporary arrangements in Bombay in order to ease the difficulty and they have used their influence to secure that a certain hotel which would have been closed down otherwise should be continued for the purpose of a hotel. But these arrangements are only temporary. The great difficulty can be solved only by the provision of additional permanent hotel accommodation. That, I think every one will agree, is a matter for private enterprise and not for Government. Government will give such facilities as they can for private enterprise to carry out hotel schemes both in Bombay and in Poona; they are always ready to do so. But, if Government themselves were to undertake to build or run a hotel, it seems to me that they would be charged with encroaching on the sphere of private enterprise.

The honourable member has referred to what the Government of India have done for the honourable members of His Excellency the Viceroy's Council at Delhi and Simla. There the position is not the same as in Bombay. I think at Delhi, at any rate, the Council meets for a longer period, a more continuous period than in Bombay. Anyway

ACCOMMODATION FOR NON-OFFICIAL MEMBERS OF THE LEGISLATIVE COUNCIL—LOCAL BOARDS; OFFICIAL YEAR.

[*Sir G. Carmichael; Shaikh Ghulam Hussein Hidayatallah; the President; Rao Saheb H. D. Desai.*] [18TH MARCH 1920.]

I think we must here consider what is required to be done with reference to our own particular problems. The honourable member has suggested that, when the new reformed Councils come into being, the demand for accommodation will be still greater and that there may then be stronger ground for Government undertaking to provide accommodation. The Councils will be larger and the meetings more continuous. But it seems to me that it is a question whether Government, if they undertook to make special provision for hotel accommodation for members of this Council, would not be charged with being extravagant. At present the periods for which Council meets are extremely short and members requiring hotel accommodation are comparatively few, and some require accommodation of one kind, others of another. Therefore, it seems to me that the new Council should be left to consider whether for their own purposes money should be spent in this direction. It is a matter, I think, for them to undertake. I may be charged in saying this that this will simply delay the execution of the removal of the difficulty so far as honourable members are concerned. But the delay will not be very long. The new Councils will come into being by the end of this year; it will be a matter of nine months or so.

The resolution recommends that Government, as an alternative to constructing residential quarters, should take steps to reserve accommodation in hotels. It seems to me that it is very difficult for Government to undertake agency work of this kind. I have heard that there is an association of non-official members of this Council. If it is still in existence, I think that that organisation would be the proper one to use, in order to obtain accommodation for honourable members as they require it. They will be able to intimate to the honorary secretary of the organisation when they are coming. Ample notice is given of the meeting of the Council; so there is time to make arrangements with the hotels according to the wishes of the various members. There is one thing that Government might do, and that is that if honourable members so desire—I have not consulted my honourable colleagues on the subject—I think Government would be prepared to write to the different hotels and ask them to give some form of priority to the honourable members of this Council, when it is in session. Further than that I do not think it would be right for Government to go.

The Honourable Shaikh Ghulam Hussein Hidayatallah:—In view of what fell from the Honourable Member in Charge, that he would consider the desirability of writing to the hotels to give precedence to the non-official members of this Council when it is in session, I withdraw this resolution.

The resolution was by leave withdrawn.

His Excellency the President:—Resolution No. 13. The Honourable Rao Saheb H. D. Desai.

"This Council recommends to His Excellency the Governor in Council that the revenue year (from August to July) should be adopted as the official year for local boards instead of the financial year (from April to March) as at present."

The Honourable Rao Saheb H. D. Desai:—May it please your Excellency,—The official year for local boards at present is from April to March next, that is the financial year. This was fixed as long ago as 1884, when the local boards were constituted. The accounts of local boards were amalgamated with provincial accounts, and for this reason it appears that the official year of the local boards was coterminous with the provincial account year. In practice and in actual working, this year is found to be very inconvenient. Section 54 of the Local Boards Act directs that every local board shall prepare a budget for the next official year on or before the 15th of November. For this purpose, the Collector of the district has to supply figures of estimated revenue for the next official year on 1st October, and I will illustrate this by a concrete case. A district local board has to prepare a budget for the year from 1st April 1920 to the 31st March 1921. For this purpose, the Collector has to supply the figures on the 1st of October 1919. On 1st October 1919 the Collector cannot know the character of the following monsoon, that is from June to September 1920, and yet he has to supply the figures of the probable revenue to be realised from January to March 31st, 1921. This estimate can never be even approximately true, especially when the seasons are as we find them since 1900.

I will give an illustration of the difficulty that was felt last year. The budget for the year 1918-19 was prepared on the figures supplied by the Collector on the 1st of October 1917. The Collector supplied the figures on the normal basis, the budget was

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prepared and it was officially sanctioned in February 1918. The works were commenced in the usual course. The monsoon of 1918 failed, and no revenue could be collected in 1918-19. Still, the amount budgetted for education and taluka works had to be given, with the result that several district local boards had to work with a minus balance. Secondly, the season for collection is from January to April. Some portion of the estimated revenue is sure to be collected in the next year.

Budgets prepared on such estimates are not true budgets, and the practice at present is that greater importance is given to supplementary budgets than to the main budget, because the supplementary budgets can be prepared upon a more reliable basis, because the board is in a position to know on the 31st of March what would be the actual balance, and the supplementary budgets, I may say, are ordinarily prepared in the monsoon.

Secondly, sir, with regard to the execution of works also, the official year, which is at present the financial year, is inconvenient. In practice, the budget for the official year is sanctioned about the closing of the financial year. After the budget is passed by the district local board and the figures are communicated to the taluka boards, there remain only two months of the fair-season to work. Most of this time is spent, in practice, in making enquiries and collecting materials. The monsoon then sets in and all works, except works of road repairs, have to be stopped. In most parts of the districts, the works cannot be undertaken before the end of November, when the roads become suitable for transport facilities. Then there are only four months left for actual work. Overseers do not desire to keep the works incomplete at the end of the official year, and, consequently, they make all possible haste, with the result that the quality of the work suffers and the quantity of the work turned out is also not sufficient.

Now, instead of this, if the proposal that I make in favour of the official year for local boards being the revenue year were adopted, there would be every convenience. Local board accounts are kept separate from provincial accounts, and monthly balances are being communicated to the Accountant General, and classifications and cash accounts are being prepared and kept in the district local board office. As regards the budget, the revenue year would be very suitable. In the first instance, it would be possible to prepare the budgets on figures of actual realisations of income, with the result that the budgets would gain the importance which at present the supplementary budgets enjoy. The collections of land revenue are almost completed in April or May. On receipt of the final figures for the month . . . . .

His Excellency the President:—I would like to tell the honourable member that his eloquence is well known in this Council. I asked honourable members not to read their speeches, and I would like to invite the honourable member's attention to rule No. 14.

The Honourable Rao Saheb H. D. Desai:—Your Excellency,—I was saying that if the figures were obtained after the actual collections and if the budgets for the next revenue year were framed in June, they then would be framed upon a reliable basis and there would not be the difficulty which is ordinarily felt when a monsoon fails.

Then, sir, the time available for the execution of works will also be 8 months instead of 4 months as at present and the labour collected will not have to be disbanded, as it has to be done now, and there will not be work taken up piecemeal, as it is done now.

I, therefore, submit, sir, that, if the official year for local boards were taken to be not the financial year from April to March but from August to July following, there will be every convenience in the administration of the district local boards and the work in quantity as well as in quality would be better turned out. I have felt the difficulty in connection with the local board administration on this account and therefore I thought that, even before the amendment of the Local Boards Act is taken in hand, it should be possible for Government to consider this question and to adopt the revenue year as the official year for the local boards.

The Honourable Sir Ibrahim Rahimtoola:—May it please your Excellency,—Government will be prepared to accept the resolution if the Honourable Rao Saheb Desai will agree to amend it in the following form:—

"This Council recommends to His Excellency the Governor in Council to consider the desirability of adopting the revenue year (from August to July) as the official year for local boards instead of the financial year (from April to March) as at present."

LOCAL BOARDS; OFFICIAL YEAR—RULES UNDER THE REFORMS ACT.

[18TH MARCH 1920.]

[*Rao Saheb H. D. Desai; Sir Ibrahim Rahimtoola; the President; Mr. B. S. Kamat.*]

The Honourable Rao Saheb H. D. Desai :—I am prepared to accept the amendment proposed by the Honourable Sir Ibrahim Rahimtoola.

The Honourable Sir Ibrahim Rahimtoola :—In that case Government are prepared to accept the resolution.

The resolution as amended was put to the vote and carried.

His Excellency the President :—Resolution No. 18. The Honourable Mr. Kamat.

"This Council recommends that an advisory committee of the non-official members of this Council be formed to advise Government on the rules framed under the Government of India Act, 1919, and on other cognate matters arising out of the recommendations of the Joint Select Committee, with special reference to the Bombay Presidency, the Committee to remain standing until the rules are finally approved by Parliament."

The Honourable Mr. B. S. Kamat :—May it please your Excellency,—I have asked for an advisory committee of non-official members of this Council to consider the draft rules under the Reforms Act. Since I sent in my resolution, I hear that a committee has already been appointed by Government, and the committee is drawing up the draft rules. So, so far as that is concerned, I have very little to say.

I wish, however, to make one or two observations regarding certain points which I think it is necessary to bring to the notice of Government. The first point is about a little wider publicity for the draft rules framed. The second point is about the subject-matter of the rules as framed in the various clauses of the Government of India Act, 1919.

Regarding wider publicity, I think almost all the deputations which went to England in connection with the reforms were assured by the Secretary of State that every opportunity would be given to them and to the country at large to see the draft rules when they were framed, because most of the important matters which would be concerned with the working of the future councils will be regulated by the rules to be framed under the act. In other words, the rules are as important, if not more so, than the provisions of the Government of India Act itself. In view of this, I wish, sir, that not only the members of the advisory committee but each and every non-official member of this Council, and so also the different political bodies who have given thought to this matter, should be given an opportunity to see the draft rules as framed by Government. I understand that the draft rules are not yet circulated to each and every member of the Council. I take it that they are not circulated to the various political bodies also. I think it is in the interests of Government and the public if an early opportunity is given at the present moment to all these to see the rules, because I read in the papers that, in answer to an interpellation put to the Government of India, it was pointed out that it is intended to forward to the Secretary of State the rules as well as the opinions of the different non-official bodies before the end of April or about the beginning of May, so that the time at the disposal of the non-official members as well as political bodies is short indeed, and it would conduce to the convenience of the people if an opportunity is now given to them to send up their suggestions in time. So far as regards the publicity of the rules.

On the second point, namely, the subject-matter of these rules, I understand that the non-official advisory committee is now concerned only with certain rules which have been framed under section 7 regarding franchise, electoral rolls, constituencies, methods of election, polling stations and so on. As far as I can gather, it was intended that not only these but various other matters were to be thrown open to discussion, for instance, rules concerning the business procedure of the Governor's Legislative Council to be framed under section 11 and its various sub-sections of the Government of India Act. I need not detain the Council by going into the various subjects, but it is of importance to point that such matters as the annual expenditure in the budget statement, rules about the discussion of general resolutions, interpellations, reserved and transferred subjects and various other matters will have to be discussed under the new rules. All these are vital matters in connection with the working of the future councils, and, if the Government of India have ruled that these rules should be thrown open to public discussion, then I think it is high time that this was done. If the Government of India do not wish that these rules should be thrown open to public discussion, then I think it would be the wish of this Council to request the Government of Bombay, who will in turn request the Government of India, to show us the proposed rules in order that we might have an opportunity of discussing them. I believe there is a very strong feeling in

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the country that all the rules to be framed under the Government of India Act should be thrown open to public discussion for this reason, that under section 44 of the act, once these rules are framed by the Government of India and approved by the Secretary of State and finally approved by Parliament, the local legislature will have no power to alter them. Thus the only opportunity which we have in shaping the rules is before they are sent up to Parliament. I hope Government will make the whole situation clear, first, by throwing the rules open to public discussion and, secondly, by inviting suggestions and forwarding them to the Government of India for submission to Parliament.

The Honourable Mr. Harchandrai Vishindas:—May it please your Excellency,—I have only a few words to say. I endorse all that the Honourable Mr. Kamat has said, and, in order to illustrate his last remarks with regard to the necessity and importance of these rules and regulations, I might inform the Council that when the Morley-Minto reforms were first announced to the public and newspapers, they were hailed with great joy. But when the rules under the reforms were published, there was great discontent among the public, because the public had not been consulted and the rules were found retrograde in important particulars. Consequently most of the welcome which had at first been accorded to the reforms had to be cancelled. I think, therefore, the advice of the Honourable Mr. Kamat is very valuable. It will save a lot of discontent, and I think it is due to the public to have an opportunity of discussing these matters before they are finally settled. It is not the Government of India Act upon which depends the reality of responsible government that is being promised to the people so much as upon the rules and regulations to be framed under the act. I have, therefore, great pleasure in supporting the resolution moved by the Honourable Mr. Kamat.

The Honourable Rao Saheb H. D. Desai:—May it please your Excellency,—I have great pleasure in supporting the resolution. If an advisory committee has already been appointed, I would like it to be noted that all matters pertaining to the rules should be open to its recommendations, and it ought not to be said about a particular subject that the Government of Bombay or the Government of India have made up their minds and that it is not open to discussion. The rules alone would either make or mar the reforms. Therefore, while giving my support to the resolution of the Honourable Mr. Kamat, I distinctly wish it to be noted that all matters pertaining to the rules should be open to the recommendations of the committee and also be open for the reconsideration of Government, even though they may have come to any provisional conclusions upon any particular subjects. That is all I have to say.

The Honourable Sir G. Carmichael:—May it please your Excellency,—As the Honourable Mr. Kamat has said, an advisory committee has been appointed consisting of elected members of this Council.

With regard to the first of the two points he raised, namely, informing the public and honourable members of this Council as to the draft rules that are being prepared, I wish to say that the Reforms Commissioner, the Honourable Mr. Seddon, has instructions to place the draft rules on the editor's table. If honourable members wish to be supplied with copies of these rules, I am perfectly willing to give instructions accordingly.

On the second question, namely, the restriction of the scope of the advisory committee, the Honourable Mr. Kamat seems to be labouring under some misapprehension. It is not the intention of Government to restrict the scope of the committee in any way. It is open to the committee to consider any matter connected with the subject and to make their recommendations. It is, of course, to be remembered that the work has to be completed in a very short time, and some of the subjects have already been discussed very fully not only in this country but in England. Very little advantage would, therefore, be gained by re-opening the discussions that have already taken place. The point I wish to bring out is this. The points connected with the draft rules are numerous and intricate and have to be settled in a comparatively short time, so that the proposals which the Government of India have to make to Parliament may be sent home without great delay. I hope the advisory committee will address themselves to this task with expedition so as to facilitate all the recommendations being sent up from Bombay as early as possible to the Government of India.

The Honourable Mr. B. S. Kamat:—May it please your Excellency,—There is only one point more that I wish to make. It is true that when the franchise committee came here, matters relating to franchise were thoroughly discussed. But there still remain very many other points about the actual rules that are to be discussed. Now, for

RULES UNDER THE REFORMS ACT—DISPENSARIES AT TALUKA AND PETA HEADQUARTERS.

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instance, the new budget procedure is going to be according to the parliamentary procedure. I do not think that this has been considered before. Therefore, it is necessary to have an opportunity to do so. Similarly about Standing Orders that will be framed. The Standing Orders of the House of Commons are a complicated affair. Those who have studied them will recognise that it is very necessary that the subject should be very carefully studied, and I hope a fresh opportunity to discuss these new aspects of the question will be allowed to the members of this non-official committee.

The Honourable Sir G. Carmichael:—An outline of the scheme with regard to the Standing Orders will be placed before the advisory committee if that has not been done already.

His Excellency the President:—The honourable member is informed that what he desires Government to do has already been effected and, therefore, the best thing would be that he should withdraw the resolution.

The Honourable Mr. B. S. Kamat:—I withdraw the resolution.

The resolution was by leave withdrawn.

His Excellency the President:—The Council will now adjourn till 2-30 p.m.

The Council then adjourned for lunch.

After lunch.

The Council re-assembled at 2-30 p.m.

The Honourable the Vice-President (Sir G. Carmichael):—Order, order. Further discussion of matters of general public interest. Resolution No. 19. The Honourable Mr. Upasani.

"This Council recommends to His Excellency the Governor in Council that provision be made for opening dispensaries at taluka and peta headquarter stations which are at present without dispensaries."

The Honourable Mr. S. B. Upasani:—Mr. President,—By this resolution I move Government to open dispensaries at the taluka and peta headquarter stations which have yet not been provided with them. In March last I asked a question as to which of the taluka and peta stations were without dispensaries. Government were pleased to give the information and it showed that there were 48 of such taluka and peta stations without dispensaries. It was further stated that, in the case of four of these stations, dispensaries had been sanctioned and that in the case of two more proposals were under consideration. As regards one more, it was stated that there was a public works dispensary at the station and, in the case of another, that there was a travelling dispensary. As regards three more, it was further stated that there were railway dispensaries at those stations. These three stations were Bhusawal, Karjat and Igatpuri. As regards Bhusawal, I may tell the Council that it is a large town with a population of 18,000 people and the railway dispensary cannot meet the convenience of the people of the town as it has to attend to a large number of railway employees from the railway workshop and the railway staff. The same may be said of Igatpuri also. As regards Karjat in the Nagar district, I do not know how that town can be served by a railway dispensary when it is removed from the railway. Therefore, what I say is that there is a real need for dispensaries in these taluka and peta stations as also for the others which are without any provision. And, therefore, early action may be taken by Government to meet this inconvenience.

We find from the last annual report on civil hospitals and dispensaries that the total number of hospitals and dispensaries in the Presidency stands at 740 and of these not less than 300 are maintained by local boards and municipalities and 51 by railways, 17 are privately aided and 295 private non-aided. The number of state hospitals and dispensaries is very small, being only 77 out of 740.

Now, Mr. President, the Council will realise that the resources of local boards and municipalities are far too limited to allow them to meet the public need in this respect. We find that the municipalities are doing their best and are spending a considerably large proportion of their income on meeting the needs of the urban population as regards public health and convenience. Thus we find that in 1916-17 out of a total income of 92⅓ lakhs not less than 53½ lakhs were spent by the municipalities on this head. In 1917-18 out of 106⅓ lakhs income over 55 lakhs were spent for this purpose. When the municipalities are thus spending more than half their income on this head it is not possible for them to bear any larger expenditure in this connection. As regards the local boards, their hands are too much tied up for expenditure required on education and public works. We find in the report for 1917-18 that out of a total income of Rs. 87,35,000 not less than 38,07,000 were spent on education and Rs. 33,41,000 on civil

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works whereas on medical only Rs. 6,26,000 were spent. So that shows that local boards are also not able to spend more on this account and the municipalities are already spending more than their means would allow. Therefore, so far as these stations which need dispensaries are concerned, needful action will have to be taken by Government itself. As a matter of fact there has been very little increase in the number of dispensaries since 1913-14. As regards the state, public and Government dispensaries, there has been an increase of only about 3 or 4. In the case of local boards and municipal dispensaries the increase has been 21 whereas, in the case of unaided dispensaries, there has been a decrease of 23. On the other hand, during this period the mortality has risen like anything. In 1913, the total mortality in the Presidency stood at 521,539 and in 1917 it rose to 798,000.

Under these conditions I think it is necessary, in the interests of public health, that needful action should be taken by Government to provide these dispensaries and this could easily be done in view of the large increase in our revenue during these years. The grants that we receive from the Government of India for sanitation should be earmarked and a certain portion of the provincial revenue also should be set apart to meet this inconvenience.

So far back as 1911 Government had prepared a scheme for opening not less than 88 dispensaries. I do not know how many of them have been started since then but, so far as I am aware, I think these must be very few except those opened by the municipalities and local boards to which I have already referred. From the figures given by Government in the resolution issued in 1911 it would appear that more than Rs. 30,000 were then required to start a small dispensary providing only four beds for males and two for females. That estimate would now be far too low considering the rise in cost of labour and material and under present circumstances, I am afraid, it would be beyond the capacity of municipalities and local boards to provide new dispensaries at the headquarters of the talukas and petas which are still without them.

With these few words I beg to place this resolution before the Council.

The Honourable Mr. G. S. Curtis:—Mr. President,—I think I can dispose of this resolution in a few remarks.

I make that remark because of the answer given to the honourable member's interpellation a year ago. He asked Government what talukas and what peta stations had no dispensaries. In reply he was given a long list. If reference is made to that list, it will be found that it stated there that there is no dispensary in Haweli taluka. That is correct. But one must remember that Haweli taluka contains Poona, the headquarters of the district, where there are a dozen hospitals. Another case is Chorasi which contains the headquarter station, namely, Surat. The third case is Salsette where there are dispensaries at Thana, Bandra, Kurla and also one lately sanctioned for Bhynder. The fourth instance is Daskroi which contains Ahmedabad where there is a civil hospital and three or four dispensaries. The list refers to some talukas in Poona district.

The Honourable Dewan Bahadur K. R. Godbole:—In the Poona district every peta and taluka has a dispensary.

The Honourable Mr. G. S. Curtis:—I thank the Honourable Dewan Bahadur Godbole for correcting me.

A very little acquaintance with the geography of the Presidency would show that the list of 48 stations quoted by the honourable member is an exaggeration. At the present moment there are six or eight places only where there are no dispensaries.

As regards Sind, I do not know whether the number is very much greater. Anyhow for years past Government have endeavoured to make it their policy to provide dispensaries at taluka and peta headquarters and during the last two or three years the number has been increased. If the honourable member will turn to the recent reports he will see that one new dispensary has been established in Bhynder and another at Bilgi peta in Bijapur district.

As a matter of fact we know that the Finance Committee has raised the grant for the establishment of dispensaries from Rs. 30,000 to Rs. 60,000. It is the duty of every municipality and local board to make adequate provision for establishing and maintaining public hospitals and dispensaries and providing public medical relief. With a view to helping these local bodies to discharge their liabilities in the matter of the provision of medical relief, Government are prepared to give a grant-in-aid equal to half the cost of building a dispensary to any local body for the construction of a suitable building and they

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will further give a loan equal to the other half on easy terms. Those being the conditions I think there will be no difficulty for any local body to find the necessary funds for starting these institutions in the very few places where there are no dispensaries.

In several cases the local bodies find it impossible to start a dispensary. There are one or two such places in the Kaira district. In that case Government would be prepared to increase the grant above the normal one. I think there is no question that the number of medical institutions has increased in the Presidency and that it is not a fact that the matter is absolutely receiving no attention. Of course, it is no use giving these grants in places where the local bodies are unable to carry on such institutions. But there is no doubt that the institutions are increasing in number and that we are spending a large sum of money in improving their efficiency.

With this expression of Government's views I hope the honourable member will withdraw his resolution.

The Honourable Mr. S. B. Upasani:—Mr. President,—The question which I put to Government, to which I received the answer, was in these specific words:—

"Will Government be pleased to state how many taluka and peta stations are without dispensaries and how many new dispensaries are proposed to be opened in the coming year?"

I specifically wanted information as to the particular taluka and peta stations which were still without dispensaries and as to how many new dispensaries were proposed to be opened in the coming year. The information which Government were pleased to place on the table in answer to my question was to be taken to be absolutely correct. No honourable member had a right to question its correctness under the standing rules of the Council, and if Government chose to give information which was not fully correct.....

The Honourable Mr. G. S. Curtis:—I beg the honourable member's pardon; the information is absolutely correct, but it requires reading with intelligence.

The Honourable Mr. S. B. Upasani:—I have not been quite able to follow what the Honourable Member in Charge said, but I do not see how it can be read otherwise than I have done; even excluding the talukas and petas with reference to which he made remarks by way of explanation, there still remain at least 30 to 40 taluka and peta stations which are admittedly without dispensaries or any provision for medical aid, and as regards.....

The Honourable the Vice-President (Sir G. Carmichael):—Order, order. It is not correct to say that there is no provision made. As the Honourable Mr. Curtis has pointed out, there is provision made every year for additional new dispensaries.

The Honourable Mr. S. B. Upasani:—May I know, Mr. President, for what talukas provision is made?

The Honourable the Vice-President (Sir G. Carmichael):—The honourable member's resolution asks that provision be made for opening dispensaries. I take it that this refers to budget provision. Budget provision is made, and every year the Surgeon-General, in consultation with the local bodies concerned, submits proposals to Government and every year a certain number of dispensaries are taken up. The additional provision that is added every year used to be Rs. 30,000; it is now Rs. 60,000. Out of that Rs. 60,000 a part is for non-recurring expenditure and a part of it is added every year to the recurring expenditure for the maintenance of the dispensaries—it is called the maintenance grant. But every year there is a provision, and has been in the past for several years, for the increase and improvement of the dispensaries.

The Honourable Mr. S. B. Upasani:—Mr. President,—I did not mean to say that no provision is made in the budget from year to year. I know it is made; but with all that provision it has not been yet possible to provide dispensaries even in all the taluka stations, and my prayer is that those taluka and peta stations which are still without any dispensaries be provided with them. I do not question the fact of the annual provision usually made, but that annual provision is inadequate and has not been sufficient to meet the demand for dispensaries for even all the taluka and peta stations for so many years, and it is high time, considering the increased high mortality all over the Presidency, that no taluka or peta headquarter station should be left without a dispensary. That is what I mean. I am extremely surprised at the opposition of the Honourable Member in Charge. My resolution is moved in the interest of public health and, in a matter which so vitally concerns public health, his opposition has come with painful surprise. Money spent on public health is not wasted. Public health should be the

DISPENSARIES AT TALUKA AND PETA HEADQUARTERS—REVISION OF PAY OF SUBORDINATE SERVICES.

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first concern of Government, and, if there is any item for which Government is bound to make provision, it is public health; and, considering the high mortality in recent years, I do not think it is too much for us to ask that taluka and peta headquarter stations, where there is a large population including Government servants, should at any rate not be left without a provision of a dispensary. It is a very modest request and I think Government should be prepared to meet the public needs in this respect. I do not wish to take up the time of the Council by any further remarks and would leave the resolution in their hands.

The Honourable the Vice-President (Sir G. Carmichael):—Does the honourable member withdraw his resolution?

The Honourable Mr. S. B. Upasani:—No.

The Honourable the Vice-President (Sir G. Carmichael):—Before putting the resolution to the vote, I wish to point out that the honourable member's recommendation is that the Governor in Council should make a provision for the opening of new dispensaries. The honourable mover referred to the Honourable Mr. Curtis as opposing the resolution. He did not oppose it. What he said was that what the resolution recommends Government to do Government is already doing. If the honourable Mr. Upasani had moved a resolution to the effect that this Council recommends to His Excellency the Governor in Council that additional provision should be made, then one could have understood his position. But, as the Honourable Mr. Curtis has pointed out, Government have followed the advice of the Finance Committee and made larger provision out of increasing revenues for this particular object, and the resolution as moved by the honourable member recommends merely that Government should make a provision which Government are already making. I think that the fact that Government are making this provision should enable the honourable member to see his way to withdraw the resolution, because it contains a recommendation for doing something which Government is already doing. If the honourable member thinks that he cannot withdraw the resolution, I shall put it to the Council.

The Honourable Mr. S. B. Upasani:—Mr. President,—I shall be very thankful to Government if your assurance is meant to assure me that all the taluka and peta headquarter stations which are still without dispensaries will be provided with dispensaries in a very short time. If that is so, I would consider the withdrawing of my resolution.

The Honourable the Vice-President (Sir G. Carmichael):—That is the policy that Government are pursuing. Every year they provide for so many additional dispensaries, so that ultimately every taluka and peta will be provided with one dispensary. That is the policy which Government are following and to which they are agreeable.

The Honourable Mr. S. B. Upasani:—Then, with your assurance, I beg leave to withdraw the resolution.

The resolution was by leave withdrawn.

The Honourable the Vice-President (Sir G. Carmichael):—Resolution No. 25. The Honourable Rao Bahadur Garud.

"This Council recommends to His Excellency the Governor in Council that a Committee be appointed to consider the proposals submitted by Heads of Offices and to make recommendations about the revision of pay of the Subordinate Services."

The Honourable Rao Bahadur S. D. Garud:—Mr. President,—When, as a result of the war, the prices of all articles went up, Government showed their anxiety for the subordinate services by giving them war allowances and there was a proposal to make these allowances permanent by increments of pay. At one time Government proposed to appoint a special officer to investigate the whole question and to make definite recommendations about the revision of pay. But I understand Government subsequently abandoned that idea and that now they are merely asking the heads of offices to send up proposals to them. I submit that it is due to the subordinate services that what they have to say may be heard and that what Government have to say may also be heard by an impartial body which will be able to make recommendations about this revision. Government are, it will not be denied, interested in the revision of pay and the subordinate services, which are also interested in the revision of their pay, would rather like to have their proposals gone into by a body whose recommendations they will be able to respect. I therefore submit, sir, that a committee may be appointed to consider the proposals which will be received from the heads of offices and to consider what the subordi-

REVISION OF PAY OF SUBORDINATE SERVICES.

[*Rao Bahadur S. D. Garud; the Vice-President; Mr. B. S. Kamat.*] [18TH MARCH 1920.]

nate services themselves have to say in the matter, and make definite recommendations as to what should be done.

The Honourable the Vice-President (Sir G. Carmichael):—I think I shall be able to place the position before this Council in a way that will obviate the need of discussing the matter at great length. With regard to certain remarks which fell from the Honourable Rao Bahadur Garud, it seems to me that it is difficult for Government to accept his proposal if it means, as it could be taken to mean from what he said, that this committee should be a sort of arbitration board between Government and their servants. That, of course, is a position which Government could not possibly accept. He is quite correct in stating that we have called for reports from the heads of departments with regard to the revision of pay of subordinate establishments. Government also are very anxious to meet the needs of the case very quickly. They are urgent needs; that is recognised. The Government of India have obtained from the Secretary of State a certain amount of freedom in the matter of the disposal of these cases—larger financial freedom—in order that such proposals may be passed quickly. The Government of Bombay have, as I said, called for reports from the heads of the different departments, but they have also under consideration a method of dealing with the case on broad lines and I think it would be very useful if, in deciding on the principles which should be followed and the method which should be applied in granting the aid that is needed, we have the advice of a committee. It seems to me that the proper body to advise would be the Finance Committee of this Council which is appointed, as you are aware, not merely for the purposes of the budget, and Government are quite ready to lay the whole case before the Finance Committee. It is, I think, due to this Council that the Finance Committee should see what the proposals are and to consider their effect, involving as they will involve, a very heavy burden on the provincial finances—much higher than was anticipated when the budget was prepared. The method which Government have in view is a comparatively speedy method. I hope that it will be convenient for the members of the Finance Committee to give their assistance in this matter. I should prefer, in accepting the resolution, to amend it slightly as follows:—

"This Council recommends to His Excellency the Governor in Council that a committee be appointed to consider proposals and to make recommendations about the revision of pay of the subordinate services."

I have omitted the words "submitted by heads of offices", because in most cases proposals have not been received from the heads of the various departments, and we want to tackle the question even before such proposals are received. Government would be quite ready to place before the Finance Committee all the reports which they receive. Will the Honourable Rao Bahadur Garud agree to the omission of the words?

The Honourable Rao Bahadur S. D. Garud:—I accept the amendment.

The Honourable the Vice-President (Sir G. Carmichael):—I think I may now put the proposal to the Council, unless there is any other honourable member who wishes to make any remarks.

The Honourable Mr. B. S. Kamat:—Mr. President,—I wish to make one observation only in this connection, as I was connected with a recent conference held by some subordinates of the Revenue Department, and I happen to know the feeling of people in the matter. I am glad that Government have recognised the need for giving increases in the pay; I am also glad that Government is going to place the matter before the Finance Committee. But, while, on the one hand, the opinions of the heads of offices are being called for, I really wish that the Finance Committee could also call for the views of certain deputations or recognised leaders of the subordinates of each department, so that it might know the details and feeling among the subordinates.

The Honourable the Vice-President (Sir G. Carmichael):—I am afraid that what the Honourable Mr. Kamat suggests in regard to this matter would be in the nature of an arbitration court. As I have said, Government are not prepared to accept that position. I think the Finance Committee is sufficient to judge whether the increases proposed are sufficient to obtain the men necessary for the service required.

The Honourable Rao Bahadur S. D. Garud:—Sir,—I am quite satisfied with the committee to whom Government proposes to give this work, and I thank Government for accepting the resolution.

The resolution was put to the vote and carried.

LOCAL BOARDS: TAX ON VEHICLES.

[18TH MARCH 1920.] [*The Vice-President; Rao Saheb H. D. Desai; Shaikh Ghulam Hussein Hidayatallah.*]

The Honourable the Vice-President (Sir G. Carmichael):—Resolution No. 14. The Honourable Rao Saheb H. D. Desai.

"This Council recommends that His Excellency the Governor in Council may be pleased to take early steps to get the Local Boards Act amended so that the local boards may be authorized to levy a tax on vehicles including motors."

The Honourable Rao Saheb H. D. Desai:—Mr. President,—I have been constrained to move this resolution on account of the increasing traffic on local board roads of motors, both for traction and for passenger traffic. On that account, the roads are being cut up, and while, on the one hand, the local boards suffer and have to spend so much more, they do not get anything frpm the owners of these vehicles, who are making enormous profits from the use of these vehicles on local board roads. The policy of Government of late has been against the levy of tolls, and all the tolls that were being levied under Bombay Act III of 1875 have been discontinued, and Government have been compensating the local boards for the discontinuance of the levy of tolls. But within a short time this new difficulty has arisen and the roads of the local boards are being cut up without any compensation being obtained from the people who are making large earnings in their trade.

Members of this Council are aware that at present the powers of the local boards are very limited with reference to their income. Their main sources of income are the net proceeds out of the local fund, the net proceeds of public ferries, and the penalties levied under the act, the net proceeds of tolls (which are to be discontinued), the compensation that we get out of the fines and penalties levied under the act of 1866, and the income on the removal of sand and kanker. This is all, and now, looking to the increasing demands on behalf of the public on the resources of the local boards in every direction, it is very difficult to make both ends meet and, therefore, local boards have to approach Government and to beg for doles.

Of course, all that will have to be considered when the amendment of the Local Boards Act is undertaken, but, unfortunately, it has been delayed, and, while people are making money through their motors which are being utilised for the use of the public, the local boards are suffering and it is for this reason, therefore, that I have moved this resolution, with a view to bring the matter to the notice of Government, so that they might make adequate provision in the new act, of which the draft will be before the Council after the new Councils come into existence. I have no objection to amend this resolution, if it is necessary, and suggest as an alternative that Government should take steps either to get the Local Boards Act amended, or to make some arrangements for a subsidy being levied for the use of the roads, when issuing licenses to motors.

Now, under the Public Conveyances Act licenses are given to public conveyances, and under the Motor Act also licenses are given. At least, so far as I know, they do not levy any tax on the vehicles, but while issuing licenses they make conditions with reference to the axle load and such other matters. So far as Ahmedabad is concerned, I know that they make no conditions for the levy of a subsidy for the use of the roads, and, in these circumstances, the local boards whose roads are cut up are in a very awkward plight, and I believe that even in the areas belonging to the other local boards such conditions exist, and they also have the same complaint.

I therefore leave this resolution for the favourable consideration of the Council and of Government.

The Honourable Shaikh Ghulam Hussein Hidayatallah:—Mr. President,—As the resolution stands, it wants to levy a tax on vehicles, including motors. That means that not only shall motors have to be taxed in the rural areas, but bullock carts and tongas also. I have no objection to taxing the motors. I am not very familiar with the conditions of the Presidency proper, but, so far as my part of the country is concerned, I do not think there are many motors running on the district local board roads. As regards the other vehicles, namely, bullock carts and tongas, they are generally the property of the poorer people. I think, if they are taxed, the tax will be unpopular. We know that the district local boards extend over large areas. Consequently, the cost of the agency for collecting the tax and the cost of supervision will be very heavy. Therefore, I am afraid, looking to the extensive area of each of the district local boards, the expenditure might be more than the income.

I would, therefore, suggest to my honourable friend that, if he has a grievance against the motors, he might modify his resolution to permit of the levy of a tax only on motors. Then I would be prepared to support him.

LOCAL BOARDS: TAX ON VEHICLES.

[18TH MARCH 1920.]

[*Dewan Bahadur K. R. Godbole; Sir Ibrahim Rahimtoola; Rao Saheb H. D. Desai.*]

The Honourable Dewan Bahadur K. R. Godbole:—Mr. President,—I accord my support to the resolution which has been placed before the Council by the Honourable Rao Saheb Harilal Desai and I will give one or two concrete instances from the district of Poona, which will show the necessity of the proposed taxation.

We have a local board road in the Poona district, running from Talegaon to Chakan. It forms part of the road between Talegaon to Junnar. At present there are three motor companies running their motors on this road; 12 miles of the length of the road belongs to the local board and the rest to Government. I am not concerned with the condition of the road in the Government length, but I wish to point out that the local board length of it gets so dreadfully cut up that at present we are required to spend from Rs. 800 to Rs. 1,000 per mile, for the purpose of repairs of this length. Before the motor traffic started the cost of repairs used to be Rs. 300 to Rs. 400 per mile. An extra expenditure of nearly Rs. 600 per mile has been thrown upon the district local board, and this expenditure ought to be recouped from the gains of the motor companies. These companies are getting large profits, but they are cutting up the roads, and some means must be found to make them pay for the damage that they are inflicting on the roads. The roads are meant for carrying ordinary wheeled traffic only and not motor lorries.

Then there is another instance which I will place before this Council, which requires consideration. In connection with the Tata hydro-electric Andhra Valley scheme, certain contractors secured a contract for the supply of sand for the preparation of mortar, and this sand was carted on a small road which belongs to the local board. This road ordinarily carries about eight or ten carts per day, but, on account of the contract for the supply of sand, for nearly eight months there were daily about 150 carts working on this road backwards and forwards, making three to four trips per day. The road got so dreadfully cut up on this account that we had to spend something like Rs. 300 per mile on the road in place of the normal expenditure of Rs. 100 per mile. When special cart traffic comes in occasionally in this way, and when the parties concerned are making heaps of money, the local board ought to have the means of recouping the extra expenditure that they incur on the maintenance of roads in such special cases. Under these circumstances the proposal put forward in this resolution seems fair, and I strongly support it.

The Honourable Sir Ibrahim Rahimtoola:—Mr. President,—Honourable members are aware that His Excellency communicated to the Council in Poona Government's decision that legislation in regard to district municipalities and district local boards will be taken in hand after the ministers are appointed. I believe honourable members acquiesced in that view and recognised the desirability of the ministers taking charge of the matter. When Government intended to introduce legislation on these subjects, they had to examine various directions in which both these acts required amendment, and a large amount of literature has been accumulated and draft sections have already been put in form by the Legal Department. All that work has already been done, and it will be placed before the ministers who will decide the policy on which legislation will be based. I, therefore, think that it is no use dealing with these matters on the present occasion, and that honourable members should wait till the ministers introduce into the new Councils a comprehensive measure dealing with local self-government in district towns and district boards. I am sure this debate, which will be reported in the proceedings, will be examined and the various suggestions put forward will be taken into consideration by the ministers. There is, I know, some difference of opinion as to whether these taxes should be levied on all vehicles or whether only on motors. But that is a point which will be debated and decided when legislation is brought forward. I believe the Council will agree that it is hardly possible, in view of the decision of Government to which I have referred, to deal with legislation piecemeal. I, therefore, trust that the honourable mover will be satisfied that the point will receive attention at the proper time and that he will not press his resolution.

The Honourable Rao Saheb H. D. Desai:—Mr. President,—As regards the point raised by the Honourable Mr. Hidayatallah, I may say, that if he could have any objection, he could have it only with reference to levying a conveyance tax on vehicles belonging to agriculturists. But, as regards other people, namely, those who follow the carrying traffic and others who use local board roads, there could be no objection if such a tax were levied on them, and I would not like to have it restricted to motors only but to include all other vehicles not belonging to agriculturists.

I am thankful to the Honourable Member in Charge for the statement that he has made. My only object in bringing this resolution was to put this matter for the consideration of Government. I therefore beg leave to withdraw it.

The resolution was by leave withdrawn.

MARATHI SCHOOLS IN THE KANARA DISTRICT.

[18TH MARCH 1920.] [*The Vice-President; Mr. S. B. Upasani; Sir Ibrahim Rahimtoola.*]

The Honourable the Vice-President (Sir G. Carmichael) :—Resolution No. 20. The Honourable Mr. S. B. Upasani.

"This Council recommends to His Excellency the Governor in Council that adequate provision be made for opening a sufficient number of Marathi schools for the Marathi speaking children in the Kanara district having regard to the proportion of the Marathi speaking population of that district."

The Honourable Mr. S. B. Upasani :—Mr. President,—I do not think this resolution requires many words from me. Last September I had asked a question as to the proportion of the Marathi speaking population and the number of schools for Marathi speaking boys and girls in the Kanara district. In answer to that, it was stated that the total population of the district was 430,543 and that out of the same the Marathi speaking population was 165,171, that is, about 38 per cent. I was also told that the number of lower primary schools for Marathi speaking boys was only 7, and that the number of pupils in them was 186 boys and 99 girls; also that there were 8 upper primary schools for Marathi speaking children with an attendance of 45 boys and 592 girls. On reference to the last report of the Honourable the Director of Public Instruction I find that there are in the district about 308 vernacular primary schools with an attendance of over 16,000 pupils.

Now, considering the proportion of the Marathi speaking population to the total population, it will be apparent that the number of schools provided for Marathi speaking children is altogether inadequate. We know that at home they speak Marathi. Their accounts are kept in Marathi. All their transactions are conducted in Marathi, and correspondence also conducted in that language. So it is desirable and necessary that there should be a sufficient number of schools provided for these children. At a previous meeting Government were pleased to say that provision would be made for a Marathi knowing teacher in the high school at Karwar and I am glad that the same has been made. I hope along with this provision will also be made for holding the vernacular final examination and the middle school examinations in Marathi. The result of the existing state of things is that the boys who want to learn Marathi have not got the facilities for it and so they have to attend the existing local Kanarese schools up to the 4th standard and then to go over to the English schools; that is, they are not able to learn either the vernacular of the district sufficiently nor their own mother tongue. It is, therefore, in the interests of the Marathi speaking population of the district that there should be a sufficient number of Marathi schools opened there.

The Honourable Sir Ibrahim Rahimtoola :—Mr. President,—In regard to the point which the honourable mover has made, I wish to draw the attention of the Council that Government have specifically provided for such a state of things when framing rules for the Compulsory Primary Education Act. I will read to the honourable members the rule that deals with this subject:—

> "Teaching through and in Marathi, Gujarati, Kanarese, Sindhi or Urdu, according as any one of these languages is the general vernacular of the municipality concerned; where, however, any other of these vernaculars is spoken in any municipality, suitable arrangements shall be made for teaching through and in it, provided that the average attendance of any school opened for this purpose shall not fall short of 25."

Honourable members will, therefore, see that Government recognise the desirability of providing schools for vernaculars other than the local vernacular, so that the minority may not be deprived of the benefits of primary education through their own vernacular. When that view has been adopted by Government in connection with compulsory primary education, I need hardly assure the Council that, in areas which will remain under the voluntary basis, similar provision will be made, provided that there is adequate demand for it. There are cases in which people having schools for the teaching of their own vernacular prefer to send children to schools where the local vernacular is taught. It will be recognised that in such cases there can be no compulsion. If the Marathi speaking people in the Kanara district prefer to attend Kanarese schools, they must be free to do so. But, if the guardians and parents desire that their children should be taught in Marathi, adequate provision will be made, provided, as I have already pointed out, that there is adequate demand, *i. e.*, that there are at least 25 students willing to attend each such school. Such being the policy of Government, I need hardly assure the honourable mover that his object will be attained if he represents to the Department of Education that there is in a given local area an adequate demand for Marathi schools. I trust the honourable mover will be satisfied with what I have told him and withdraw his resolution. There is no intention whatsoever of forcing the

MARATHI SCHOOLS IN THE KANARA DISTRICT—MEDICAL BULLETINS IN VILLAGES.

[18TH MARCH 1920.]

[*Sir Ibrahim Rahimtoola; Mr. S. B. Upasani; the Vice-President; Rao Bahadur S. D. Garud.*]

majority to adopt the vernacular of the minority or of coercing the minority into accepting the vernacular of the majority. Government will deal fairly with both, the majority as well as the minority, in different areas. I trust the explanation I have given will be considered satisfactory, and the honourable mover will withdraw his resolution.

The Honourable Mr. S. B. Upasani :—Mr. President,—I am thankful to the Honourable Member in Charge for what he has said, but I do not quite understand whether he means to assure us that provision for Marathi schools will be made in all places in the district wherever there may be 25 students wanting such schools.

The Honourable Sir Ibrahim Rahimtoola :—Every effort will be made by Government to meet the demand wherever it exists.

The Honourable Mr. S. B. Upasani :—Mr. President,—What I meant to say was that there was real need of such schools even in places where compulsory education could not be introduced. However, with the assurance that Government have given, I will withdraw the resolution.

The resolution was by leave withdrawn.

The Honourable the Vice-President (Sir G. Carmichael) :—Resolution No. 26. The Honourable Rao Bahadur Garud.

"This Council recommends to His Excellency the Governor in Council that the medical department of the Government of Bombay be directed to issue and widely circulate bulletins recommending simple treatments for the cure of diseases for the benefit of the village populations.

The Honourable Rao Bahadur S. D. Garud :—Mr. President,—I do not think that in rural areas there are very many facilities for obtaining medical relief and treatment and therefore it is necessary in the interests of rural areas to devise some remedies however inadequate they may be to help the rural population to face disease when it appears.

During the last influenza epidemic the Government of India, through its Sanitary Department, recommended some simple preventive measures. But the recommendations did not go further and the rural population was therefore, when it was actually attacked, left without any remedy.

I submit, sir, that a great deal can be done to relieve disease in rural areas by recommending and widely circulating simple treatments for diseases. Take, for instance, the case of fever. I know a very simple remedy which very effectively relieves a patient from fever. (Laughter.) I am merely giving this not as a tip to the Council but to let the Council see how even small remedies can be very effective. Take, for instance, the case of, as I said, fever. In order to reduce the temperature the first thing to be done is to give frequently copious draughts of water to the patient. The second thing is to sponge the whole body.

The Honourable the Vice-President (Sir G. Carmichael) :—Order, order. The honourable member ought to keep to the resolution and not go into details of medical treatment.

The Honourable Rao Bahadur S. D. Garud :—I was only going to say the third thing is to put a wet compress on the head. Now, such a treatment coming with the sanction of the Medical Department of the Government of Bombay will be highly valued and will no doubt effectively give great relief.

(His Excellency the President at this stage resumed the chair.)

Your Excellency,—I was just mentioning a simple treatment which would effectively reduce temperature in all fever cases. And, if treatments on some such lines were recommended or came with the approval of the Medical Department of the Government of Bombay, they would be a great help in the relief of disease in rural areas. There are several such simple remedies which have already been recommended and all we need is that these treatments may be examined, systematised and approved by the Medical Department of the Government of Bombay and widely circulated by them in rural areas for the benefit of the rural population.

I submit, your Excellency, the other departments of the Government of Bombay have been doing similar service for the agricultural classes. The Sanitary Department also has to a certain extent been doing that service for the rural population of the Pre-

MEDICAL BULLETINS IN VILLAGES.

[18TH MARCH 1920.] [*Rao Bahadur S. D. Garud; Colonel J. B. Smith; Mr. G. S. Curtis.*]

sidency and it is but right that the Medical Department should also realise its responsibilities and should also undertake work of this nature.

With these words, sir, I commend this resolution to the Council.

The Honourable Colonel J. B. Smith :—Your Excellency,—The intention underlying the honourable mover's resolution is one which must appeal to the sympathies of all the members of the Council. We all feel that the benefits of treatment by the methods of Western or, as I prefer to call it, modern medicine should be extended to every village and rural area in this Presidency. Any scheme which aims at bringing about this result should therefore receive the most careful consideration.

I much regret, therefore, that I am unable to support the resolution. The honourable mover has not taken into account the difficulties which attend his proposal. Before we can treat any disease correctly it is essential we should know what that disease is. Correct treatment requires accurate diagnosis. This is the rock on which the proposal splits.

Many of the honourable members of this Council are familiar with Moore's "Family Medicine and Hygiene for India", written many years ago by Sir William Moore, a former Surgeon-General, and issued by Government to district officers to enable them, when far from medical aid, to treat themselves, their families and servants. A great part of the book is taken up with diagnosis with an endeavour to enable non-medical but educated readers to ascertain the nature of the diseases they need to treat. This book shows to what a size the bulletins proposed by the honourable mover would run if they were to be of the least use. With uneducated people like ryots it would be still more difficult to give clear descriptions of how to recognise diseases and, without this, treatment is impossible.

The honourable mover suggests that remedies, though inadequate, might give some help. The use of inert remedies will do no good and only bring modern medicine into disrepute, which is much to be deprecated. Moreover, many of the drugs used in medicine are poisonous and must be used with care, if dangerous results are not to follow.

For these reasons the treatment of ordinary diseases by bulletin or leaflet is not to be recommended. The case of epidemic and widespread endemic disease is somewhat different. Here the question of diagnosis is easy. In an epidemic every one learns what are the prominent features of the disease. The villager can recognise cholera as well almost as a medical man. Similarly a ryot living in a malarious district can fairly well judge when he has got malarial fever.

In epidemic and widespread endemic disease, therefore, leaflets giving methods of treatment are of use and have been widely used in the United Kingdom and in India also. For instance, for many years Government has issued remedies for cholera and these are accompanied by instructions for use. Similarly "treatments" for malaria are issued and with each "treatment" is given a leaflet of directions.

The honourable mover has contrasted the action of the Medical as compared with the Sanitary Department. The cases are not similar. It is easy to issue a leaflet giving simple directions for prevention; to issue bulletins giving treatment is impossible except in the case of widespread and easily recognised diseases. But honourable members must not suppose that all this time Government are doing nothing. The number of dispensaries is being increased year by year and it is to be hoped that it will not be long until no place will be very far from a dispensary. Government have also instituted touring medical officers who go from village to village carrying medical aid to outlying areas.

For the reasons I have given I regret therefore, your Excellency, that I am unable to support this resolution.

The Honourable Mr. G. S. Curtis :—Your Excellency,—I have very little to add to the remarks of the Honourable the Surgeon-General. One practical suggestion, however, I have to make. No one who was present here in 1918 will forget the interesting lecture given by the honourable mover on the subject of water cure. Well, sir, what I would suggest is that the honourable mover should himself print his lecture in the form of a pamphlet and circulate it to the public. If that pamphlet becomes popular, then Government might consider whether they should follow the experiment. But until that time I think the honourable mover should make the experiment himself. Government cannot embark upon it at this stage. I would ask the Council to reject the resolution.

The Honourable Rao Bahadur S. D. Garud :—I beg to withdraw the resolution.

The resolution was by leave withdrawn.

DISTRICT MUNICIPALITIES; POWER TO GRANT LICENSES FOR FACTORIES, WORKSHOPS, ETC.

[*The President; Rao Saheb H. D. Desai; Mr. Harchandrai Vishindas.*] [18TH MARCH 1920.]

His Excellency the President :—Resolution No. 15. The Honourable Rao Saheb Desai.

"This Council recommends that His Excellency the Governer in Council may be pleased to take early steps for the amendment of the Bombay District Municipal Act III of 1901 so as to empower a Municipality constituted under the said Act to prescribe the conditions on, or subject to which, and the circumstances in which, and the areas and localities in respect of which licenses may be granted, refused, suspended or withdrawn for the use of any place not belonging to the Municipality as—

(*a*) a factory, workshop, work-place, baking house, or as a business place in which steam, water, or other mechanical power is employed, and

(*b*) a hotel, eating house, tea or coffee shop, restaurant, dining saloon, refreshment room and the like."

The Honourable Rao Saheb H. D. Desai :—May it please your Excellency,—The first part of this resolution, (*a*), seeks to have powers for control over factories and their location.

The Honourable Mr. Harchandrai Vishindas:—I rise to a point of order. Your Excellency's colleague just now intimated to the Council on another resolution that all these changes in the Municipal Act will be held over for consideration until the Reformed Councils come into being. Of course, if he adheres to that in this case, then there will be no necessity to discuss this resolution. It would be a waste of time if it is eventually withdrawn.

The Honourable Rao Saheb H. D. Desai:—Your Excellency,—This is a very urgent matter and cannot afford to wait until the reforms come, the ministers come, and a new act is taken in hand for the revision of the District Municipal Act. I am therefore not going to withdraw this resolution. In places like Ahmedabad, Poona and elsewhere there is a great complaint about overcrowding and congestion. Most of the municipalities in municipal towns are extending and expanding at a very great pace, and the city municipalities, I submit, are of course expanding at a very much greater pace. There is congestion all round and I may say there is extension without regulation; in fact, there is no ordered development, and I submit that uncontrolled non-agricultural use of land in extra-mural areas is a difficulty which we in Ahmedabad as well as people in other city municipalities are feeling very greatly. All this, I submit, is a danger to public health, and the sooner the amendment of the District Municipal Act is undertaken, the better in public interests. When in a small matter like a complaint from the Municipal Commissioner of Bombay that he was unable to find time to collect arrears for district municipalities a bill was introduced in Council and this Council debated over the question and the matter went up to the select committee and we had to pass legislation on such a small matter as that, which could have waited, this is a matter which, I submit, is of far greater importance and one which we can very well undertake for amendment at the next meeting of the present Council. To give an instance, in Ahmedabad there are about 78 factories. Under section 96 of the District Municipal Act, municipalities have certain powers of control over buildings but has no power to prohibit the construction of a mill or a factory or to withhold permission. Supposing a municipality thinks that a particular part must be reserved for residential areas and an application is made for permission to erect a factory the municipality has no right to refuse it and no powers to prohibit the erection of a factory in a particular area. There are serveral more factories in construction in a city like Ahmedabad and also in other larger cities and on account of the conduct of their business, on account of the noise, smoke, gas, vapour, etc., there is an amount of nuisance all round and, consequently, in addition to the suffering due to congestion there is also this additional nuisance with which the public have to put up, and there is no power under the act to prohibit the erection of factories at any particular places where the municipal authorities may think that they should not be erected. The Collector under the Land Revenue Code has certain powers, which the municipalities have not, and some of the Collectors have been exercising that power, but that happens where there is co-operation, and yet, in spite of co-operation, the policy of one Collector may not be followed by another and the policy of one municipal board may not be followed by a succeeding board. Consequently, it is absolutely necessary that municipalities should be invested with certain powers so that there may be an ordered policy all round in this matter. Even as regards the power of the Collector,

DISTRICT MUNICIPALITIES; POWER TO GRANT LICENSES FOR FACTORIES, WORKSHOPS, ETC.

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the fact is that he can only regulate, under sections 65, 66 and 67 of the Land Revenue Code, non-agricultural use with reference to unalienated lands, but with reference to alienated lands—what are generally known as *inam* lands,—he has no power. He is powerless with respect to those lands. I may submit that the Bombay city municipality has powers under sections 390, 391, 392, 393, 394, 395, 396 and 397 with reference to the regulation of factories.

With reference to part (*b*) of this resolution, only the police have got certain powers but in matters of health I think it is the public health department which ought to have the powers and not the police. The police cannot, with any effect, exercise any power with reference to food and drink in the same way as a public health officer would do, and I therefore submit that this is a resolution of great public importance which requires an amendment of the District Municipal Act to be taken early in hand, and it is not in the public interest that we should wait until the new District Municipal Act is taken in hand under the regime of ministers.

The Honourable Mr. Harchandrai Vishindas:—Your Excellency,—I have very great pleasure in supporting this resolution, because I entirely endorse all the remarks that have been made by the honourable mover. The reason why I interrupted the mover by rising to a point of order was that, even after this resolution was discussed, if Government took the same attitude now as with the previous resolution of the honourable mover, that they considered it inopportune to pass any legislation until the new Council came into being, the time taken up in this debate would be wasted. But, as the honourable mover has been permitted to proceed with the discussion in spite of my objection, I may state that the Karachi municipality also have felt the want of such powers. In Karachi there are places of business which are called grinding mills. They are driven by camels. They are a cause of great nuisance and annoyance to the public, and sometimes municipalities feel themselves incompetent to regulate these mills in the absence of any of the powers which are proposed in this resolution. It is necessary in the interests of sanitation that the Karachi municipality should have power to regulate these mills. I would therefore have them added to the list contained in the resolution moved.

The Honourable Sir Ibrahim Rahimtoola:—Your Excellency,—I have to draw the honourable member's attention to what I stated on the previous resolution and, in addition, to inform him that Government have considered these amendments and they are all on the list of the proposed legislation to be introduced by the ministers. The honourable member complained that in regard to relieving the Municipal Commissioner of Bombay of the duties imposed upon him under the District Municipal Act Government carried through legislation in this Council. I wish to point out in reply that he clearly omitted to notice that the bill was introduced before the announcement of Government policy by your Excellency. Now I ask honourable members to consider whether, even if this resolution is carried and the Council is of opinion that, in spite of the policy announced piecemeal amendment of the District Municipal Act should be taken in hand, there is any time within which it can be carried out. Supposing the resolution is passed to-day, the bill can only be introduced at the next meeting of the Council. If the first reading is passed, it will have to be referred to a select committee and by the time the report of the select committee is out, and the second and third reading stages are reached, the new Council will have come into existence and all this labour will have been wasted. In the new Council the ministers will decide for themselves what they will do. I recognise that the further powers asked for in the resolution are necessary, and should be conceded to the municipalities. That ought to satisfy the honourable mover.

There is another point to which I should like to draw the attention of honourable members. Government are at present considering whether they should have one uniform act for all district municipalities, as is the case at present, or whether they should have separate acts for Karachi, Ahmedabad and Poona, or whether they should have two acts, one dealing with city municipalities, and the other dealing with the remaining ones. We might give a separate act to Karachi or to one or two other places, and then have one act for city municipalities and another for town and other municipalities. All these points are under consideration, and to a certain extent the views of the present Government have been formulated upon it. But I am sure the Council will recognise that the views of the ministers in regard to all these points will have to be first ascertained, as they will be responsible for the future legislation on the subject. Under the circumstances, I hope honourable members will accept the view which I have put before them, namely, that it is undesirable at this time to introduce piecemeal legislation in regard to these acts, and, even if they want to do so, there is no time within which to carry it through.

DISTRICT MUNICIPALITIES: POWER TO GRANT LICENSES FOR FACTORIES, WORKSHOPS, ETC.

[*Sir Ibrahim Rahimtoola; Rao Saheb H. D. Desai; the President.*] [18TH MARCH 1920.]

For these reasons, I trust that the honourable mover will be content with the information which I have given him, namely, that Government, as at present constituted, are agreeable to these amendments being enacted, and that they will be taken up at the first opportunity by the responsible ministers. I hope the honourable mover, as he was satisfied with the attitude of Government on his previous resolution, will also accept this assurance and be content to withdraw it. I hope the Council will realise that it is hardly right to pass a resolution of this character under the conditions and circumstances which I have explained.

The Honourable Rao Saheb H. D. Desai:—Your Excellency,—I am not at all satisfied with what has been said, and I think that.....

His Excellency the President:—I would like to tell the honourable member that he is supposed to address the chair, which he never does.

The Honourable Rao Saheb H. D. Desai:—I am not satisfied with the explanation and I am not prepared to withdraw this resolution. I think that it is absolutely necessary that the amendment of the District Municipal Act should be undertaken as early as possible for this purpose. It is said that there is no time. Of course, the July, the September and the December meetings are yet to come. If there is important work, we could work at any time and meet at any time, and I am not satisfied with the explanation that there is no time. We can do the work, and we ought to do it. If Government are considering several matters, it may take an amount of time, but this matter is very important with reference to the large municipalities, and I am not inclined to let this matter wait any longer. I think that Government should undertake an early amendment of the District Municipal Act for this purpose. Therefore, I am not inclined to withdraw my resolution, but I would like to have the matter put to the vote.

His Excellency the President:—I may tell honourable members that the passing or rejection of this resolution will not in the least affect, even by an hour's time, the actual process which is going on with regard to these acts; that is to say, Government's policy will be just the same whether this resolution is passed or not. But both I and my honourable colleague still feel that it would be improper to pass this resolution in the circumstances in which we are placed; neither is it a matter of practical politics—it may be a matter of practical politics with the honourable mover of the resolution but it is certainly not a matter of practical politics for Government—to accept the resolution when we know, in all honesty, that we cannot give practical effect to it before the Reformed Council comes into existence, and, even if we could, it would be improper to do so. I therefore hope that the general sense of this Council will be to reject this resolution.

The resolution was put to the vote and lost, 1 member voting for and 24 against it. The Council divided as follows:—

Ayes.

The Honourable Rao Saheb Harilal Desaibhai Desai, LL.B.

Noes.

His Excellency Sir George Ambrose Lloyd, G.C.I.E., D.S.O., Governor of Bombay, *President.*
The Honourable Sir G. Carmichael, K.C.S.I., I.C.S., *Vice-President.*
The Honourable Mr. G. S. Curtis, C.S.I., I.C.S.
The Honourable Sir Ibrahim Rahimtoola, Kt., C.I.E.
The Honourable Mr. Dattatraya Venkatesh Belvi, LL.B.
The Honourable Mr. F. Clayton.
The Honourable Mr. J. G. Covernton, C.I.E.
The Honourable Mr. R. E. Enthoven, C.I.E., I.C.S.
The Honourable Major C. Fernandes, M.D., F.C.P.S., I.M.S.
The Honourable Rao Bahadur Siddhanath Dhonddev Garud.
The Honourable Mr. Mahomedbhoy Hajeebhoy.

DISTRICT MUNICIPALITIES: POWER TO GRANT LICENSES FOR FACTORIES, WORKSHOPS, ETC.—HEAD-MASTERS OF TALUKA SCHOOLS.

[18TH MARCH 1920.] [*The President; Mr. S. B. Upasani; Mr. R. P. Paranjpye.*]

Ayes.

Noes.

The Honourable Shaikh Ghulam Hussein Hidayatallah, LL.B.
The Honourable Mr. J. D. Jenkins.
The Honourable Mr. Balkrishna Sitaram Kamat.
The Honourable Khan Bahadur Pir Baksh walad Mian Mahmud, C.I.E.
The Honourable Rao Bahadur Venkatesh Shriniwas Naik.
The Honourable Mr. Raghunath Purshottam Paranjpye.
The Honourable Mr. Gokuldas Kahandas Parekh, LL.B.
The Honourable Mr. L. Robertson, C.S.I., I.C.S.
The Honourable Mr. C. N. Seddon, I.C.S.
The Honourable Mr. H. O. B. Shoubridge, M.Inst.C.E.
The Honourable Colonel J. B. Smith, C.B., I.M.S.
The Honourable Mr. Purshotamdas Thakurdas, C.I.E., M.B.E.
The Honourable Mr. Harchandrai Vishindas, C.I.E., LL.B.

His Excellency the President:—Resolution No. 21. The Honourable Mr. Upasani.

"This Council recommends to His Excellency the Governor in Council that head-masters of taluka schools be relieved of the work which they have at present to do in connection with the vernacular schools in the taluka or be given an extra hand for the same."

The Honourable Mr. S. B. Upasani:—May it please your Excellency,—In this resolution I simply move that the head-masters of taluka schools, who are at present required to do a considerable amount of work for the vernacular schools in the taluka and have to spend daily more than two hours for it, be relieved of that work and that, if at all the work is to be retained with them, they be given extra hands to enable them to do it outside their school hours.

Your Excellency, these head-masters are the most highly paid teachers in the primary schools and they are specially trained for their work and it is necessary and desirable that they should devote all their time and attention to the teaching work in the schools. As a matter of fact, however, the most senior man in the taluka school, I mean the head-master, is not able to devote all his time to the work of his school, but he has to devote three or four hours a day to this extra work. He has to receive the monthly returns submitted by the several schools in the taluka, to check them, and also to consolidate them. He has to draw the pay of all the teachers, to disburse it, and prepare the acquittance rolls. There are many such items of work he has to do as medium of communication between the village schools and the deputy educational inspector. I have got the various returns and it will be seen how complicated and elaborate they are.

I am sure it will not be denied that it is necessary to relieve these head-masters, and I hope that the department will see its way to find some means for the purpose.

The Honourable Mr. R. P. Paranjpye:—Your Excellency,—I have great pleasure in supporting this resolution, which my honourable friend Mr. Upasani has brought forward. I am in touch with a very great number of school-masters in all parts of the Presidency, and it is one of their very great grievances that the taluka head-master has got to do a very great deal of this kind of extra work, that he has got to spend two hours every day in doing work which really is not his. He has got a great deal of responsibility as he has to distribute the pay of all the teachers in the taluka, and he is also responsible for a large number of returns which the department requires him to send. I think, therefore, that the grievance of the taluka head-masters is very real and I think it will add to the efficiency of the department if they are, to a certain extent, relieved of this work.

HEAD-MASTERS OF TALUKA SCHOOLS—DISTRICT LOCAL BOARDS: NON-OFFICIAL PRESIDENTS.

[*Mr. R. P. Paranjpye; Mr. J. G. Covernton; Sir Ibrahim Rahimtoola; Mr. S. B. Upasani; the President; Rao Bahadur S. D. Garud.*] [18TH MARCH 1920.]

I should very much prefer the second alternative, because after all some returns will have to be made through these masters, and perhaps the taluka head-master might be the official through whom these returns might go. At any rate, he ought to be given a special assistant for this work. In any case, whatever the method is, I wish to point out to Government that this is a very real grievance, the removal of which will add greatly to the efficiency of the Educational Department.

The Honourable Mr. J. G. Covernton:—Your Excellency,—I have a very few remarks to make on this subject. The department, so far as I am concerned, is in great sympathy with the general object which the Honourable Mr. Upasani has in view. We considered the matter at a conference held in the course of this year, when the position of taluka head-masters was gone into. The recommendations of the conference were that the taluka masters should be given an allowance in consideration of the additional work, and, where the work is really heavy, such as in particularly large areas, or areas with many schools, or in municipalities, that an assistant should be given to the taluka master, and he thereby be enabled to carry out his ordinary duties better. We have, since then, been calling for detailed statements from the inspectors and I hope to be able to put before Government concrete recommendations on the subject in a short time. I may point out that the real grievance, I think, with the majority of the men is that they have to do this work in addition to their ordinary work without any allowance, and I must say that I think it is a genuine grievance, and that is why the conference which we held recommended that an allowance should be given to them.

Where the head-master has a considerable amount of work to do in his own school, it is very desirable that we should be able to give him also an assistant, and in that way enable him to have the taluka and school work done properly. At the same time I should add that we cannot dispense with the present system. It would not be easy to get the pay distributed so speedily and economically as on the whole it is now. If we adopted a different system like that suggested by the honourable member we should have to create new posts for these special duties, and I think, in view of the large expansion of education which Government are contemplating and which will entail so many charges, it would not be wise to insist upon the system which the honourable member proposes. I hope the Council will agree with me that the matter has not been neglected, and that we are prepared to do what we can for the men in question.

The Honourable Sir Ibrahim Rahimtoola:—Your Excellency,—I have nothing to add to what the Honourable the Director of Public Instruction has said and I trust that the honourable mover of the resolution is satisfied. In his resolution he wishes to lay down that the head-masters of taluka schools should either be relieved of the work which they are required to do at present or be given an extra hand for the same. That means that he desires a uniform system for the future, namely, that either the head-masters should be relieved of the work or that assistants must be given to them. There is a third alternative to which the Honourable the Director of Public Instruction has drawn attention and it is this. Where the work involved is not heavy and can be done without impairing their efficiency, extra allowances will be paid to these head-masters if they are willing to undertake it. In case the work is too heavy, extra assistance will be provided. I think this alternative meets the whole point which the honourable mover wishes to bring to the notice of Government. I trust he will now be satisfied. Where some extra work can be done by the head-masters without impairing the efficient discharge of their ordinary duties a special allowance will be paid. I do not think the honourable mover wishes to stand in the way of such an arrangement being carried out. The grievance is recognised and the remedy will be applied on the lines indicated. I hope the honourable mover will be satisfied and withdraw his resolution.

The Honourable Mr. S. B. Upasani:—In view of the explanation given by the Honourable Member in Charge of the Department of Education, I beg leave to withdraw my resolution.

The resolution was by leave withdrawn.

His Excellency the President:—Resolution No. 27. Rao Bahadur S. D. Garud.

"This Council recommends to His Excellency the Governor in Council that non-official presidents be appointed for District Local Boards in the remaining districts of the Central Division."

The Honourable Rao Bahadur S. D. Garud:—Your Excellency,—At the last meeting of the Council I brought a resolution to request your Excellency's Government

DISTRICT LOCAL BOARDS: NON-OFFICIAL PRESIDENTS—AKOLA RIOT CASE: REMISSION OF SENTENCES.

[18TH MARCH 1920.] [*Rao Bahadur S. D. Garud; Sir Ibrahim Rahimtoola; the President; Mr. S. B. Upasani.*]

to give some district local boards the privilege of electing non-official presidents, but I was told that there was no provision for it under the District Local Boards' Act. Government have been cautiously experimenting with non-official presidents for some time past, and, now that these non-official presidents have been working satisfactorily in district local boards, I am sure Government will be pleased to extend the privilege to the remaining district local boards where their services are available. I wish to restrict myself to the Central Division which I have the honour to represent in this Council. There are only two districts, East and West Khandesh, in this division which have not yet obtained this privilege. I do not know why this is so, but I hope Government will now be pleased to extend the privilege to both of them.

The Honourable Sir Ibrahim Rahimtoola:—Your Excellency,—So far as the principle underlying this resolution is concerned, Government have repeatedly announced their intention of giving effect to it. I am not sure whether it is quite correct to move such a resolution in regard to one division of the Presidency only. The problem is one affecting the whole Presidency, and the question has been discussed in the past on these lines.

There are, as honourable members are aware, 27 district local boards in the Presidency, and, in my budget speech dealing with sanitation, I pointed out that 12 out of those are under non-official presidents. The policy of Government is to extend the principle to all the district local boards as far as possible. Out of the 27, if I remember rightly, there were 6 non-official presidents of district local boards when the honourable mover moved his resolution in Poona. There are now 12, and the number will be steadily increased.

There is, however, one point to which I wish to draw the attention of honourable members, and that is that Government find it rather difficult to find suitable men in the districts, qualified and willing to take up these responsible duties. There must be many qualified men, but there appears to be considerable hesitation on their part to undertake the work. It may be that their other engagements do not permit them to accept these positions. Whatever the case may be, I would ask honourable members, not only those representing the Central Division, but all those interested in the subject, to submit names, either to the Commissioner or to Government, of men who they think are qualified and willing to undertake the duties. If these names are submitted, I am sure Government will take them into their very careful consideration and try to extend the principle of non-official presidents to the remaining district local boards as far as can reasonably be managed.

I believe the assurance which I have given will be considered satisfactory as dealing with the problem affecting the whole Presidency, and, in view of the policy announced, *viz.*, to extend as far as possible the principle of non-official presidents for district local boards, provided suitable men come forward to undertake the duties, I trust the honourable mover will withdraw his resolution.

The Honourable Rao Bahadur S. D. Garud:—May it please your Excellency,—I restricted the scope of my resolution to the Central Division, because I did not know the particular circumstances which prevented Government from extending the principle to all district local boards. Now, the position has been made clear by the Honourable Member in Charge of this portfolio. I am thankful to him for his assurance that if proper men are pointed out, the privilege will be immediately conceded.

The Honourable Sir Ibrahim Rahimtoola:—I said "as far as possible".

The Honourable Rao Bahadur S. D. Garud:—I am glad to have this pronouncement on behalf of Government. I only wished to get this matter cleared up. I hope the principle will be soon extended to all district local boards and beg to withdraw the resolution.

The resolution was by leave withdrawn.

His Excellency the President:—Resolution No. 22. The Honourable Mr. S. B. Upasani.

"This Council recommends to His Excellency the Governor in Council that he may be graciously pleased to consider the cases of the prisoners sentenced in the Akola riot case for remission of their sentences in view of the Royal Proclamation recommending amnesty in the case of persons sentenced under the Indian Defence Act."

The Honourable Mr. S. B. Upasani:—May it please your Excellency,—I beg to move this resolution on behalf of those who were sentenced in connection with the

AKOLA RIOT CASE: REMISSION OF SENTENCES.

[*Mr. S. B. Upasani; Sir G. Carmichael; the President.*] [18TH MARCH 1920.]

Akola riot case. They were tried under the Indian Defence Act by a Commission, and, for that reason, they had not the benefit of an appeal to a higher tribunal. This is one ground on which I beg that your Excellency may be graciously pleased to consider their case. The second is that under the Royal Proclamation amnesty is meant to be vouchsafed to all those who have been tried and convicted under the Defence of India Act.

There are also other circumstances which show that the cases of these poor people deserve consideration. In the first place it will be noticed that the persons actually concerned in the riot were mainly of the Koli class. The riot took place on the 10th of August. In a press note issued on the 19th of August it was stated that :—

> "The riot arose out of an incident which occurred in the course of recruiting operations in which the late Mr. Pirzada was engaged. A recently recruited Bhil was taking a Thakar to the recruiting depôt when a crowd, apparently under the impression that the Thakar was being forcibly recruited, intervened and roughly handled the Bhil, who was taken by the havildar of the recruiting party to the mamlatdar's house. The latter, accompanied by a sub-inspector of police, was about to leave the house, when a large crowd, consisting mainly of Kolis, was seen to be advancing. The mamlatdar and police officer re-entered the house and closed the door, which was assailed by the crowd. Being unable to break it in, they brought kerosine oil and set fire to the house."

The Honourable Sir G. Carmichael:—What press note is the honourable member reading from ?

The Honourable Mr. S. B. Upasani:—I read press note No. 5510, dated 19th August 1918. The press note was issued nine days after the riot took place and after making a thorough inquiry to ascertain the actual facts. The information that was at the disposal of Government after an investigation for nine days showed that the parties mainly concerned in the riot were the Kolis. And there is nothing in this press note to show that according to the information that Government had during the nine days the individuals who were subsequently proceeded against and convicted were concerned in the riot.

The Honourable Sir G. Carmichael:—Your Excellency,—I rise to a point of order. It seems that the honourable member is discussing the findings of the tribunal which disposed of this case and not the resolution which he has moved.

His Excellency the President:—The honourable member is only entitled to discuss the question of amnesty and not the case itself. He can discuss the question whether any case for mercy is made out but not the findings of the tribunal.

The Honourable Mr. S. B. Upasani:—Your Excellency,—I am appealing to Government for mercy on behalf of these people and am urging some of the grounds for mercy which will show that the case of these poor people deserves to be considered. So until the 19th these people were not proceeded against or taken to be concerned in the riot.

His Excellency the President:—Order, order. The honourable member really is still going on discussing the findings of the court. That is not the scope of the resolution. I am quite willing to listen to any case for amnesty but I cannot allow the findings of the court on the case which was decided some years ago to be discussed in the debate on this resolution.

The Honourable Mr. S. B. Upasani:—Your Excellency,—I do not question the findings of the court but only wish to bring to your Excellency's notice the circumstances under which these people were proceeded against and the fact that they had not the benefit of appeal to a higher tribunal renders it necessary to state some of the circumstances under which these people were charged. The officers who suffered in this riot have been proved to have taken oppressive measures for recruiting which were not justified. In fact the mamlatdar is proved to have gone to extremes and there is proof to show that these people had no private motives for the offence. There is also proof of other extenuating circumstances which led these people to commit these excesses. These men were not actuated by any political motives against Government. Under these circumstances, I pray that their case may be kindly considered by Government.

The Honourable Sir G. Carmichael:—Your Excellency,—The Honourable Mr. Upasani began by describing that the charge on which the persons for whom he is pleading for mercy were convicted was one of rioting. The case against them was much more serious than this. They were charged with having murdered under very brutal circumstances a mamlatdar and a havildar of a recruiting party of the Indian army and of having caused mischief by fire as well as of rioting. They were tried by a tribunal consisting of two District Judges—Mr. Clements and Mr. Mehta—and the Honourable Rao Bahadur Sathe. The tribunal considered the whole case with very great care. The

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accused in the case, when they were on trial, were ably defended. The Honourable Mr. Upasani says that account should be taken of the fact that the people in the Akola taluka were labouring under the sense of grievance against the mamlatdar on account of certain action he had taken and certain conduct of his in connection with his recruiting work. These considerations were given due weight by the tribunal when they disposed of the case. Cases of this kind, where a very brutal murder is committed, have been specifically excluded from the terms of His Majesty's Royal Proclamation. I will read to honourable members the relevant portion of that Proclamation. It says :—

> "A new era is opening. Let it begin with a common determination among My people and My officers to work together for a common purpose. I therefore direct My Viceroy to exercise in My name and on My behalf My Royal clemency to political offenders in the fullest measure which in his judgment is compatible with the public safety. I desire him to extend it on this condition to persons who for offences against the State or under any special or emergency legislation are suffering imprisonment or restrictions upon their liberty."

I think it is quite clear that a case of the description of this Akola case, where a brutal murder was committed, does not come within the terms of His Majesty's Proclamation. At the same time, I wish to make known to this Council that as far back as September last year, before His Majesty's Royal Proclamation was received in this country, Government decided that this particular case should be reviewed on the expiry of three years, so that further consideration may be given to the question whether any clemency should be extended to these convicts or not. To that decision Government, of course, still adhere.

With these few remarks, sir, I hope that this Council will not accept the resolution moved by the Honourable Mr. Upasani.

The Honourable Mr. S. B. Upasani :—May it please your Excellency,—As these people were tried under the Defence of India Act their case will come under that act. Your Excellency has thought their case worth considering after a certain time. There are circumstances in this case which will show that before the mob committed these excesses they were fired upon by the mamlatdar causing several casualties and, besides that, there were several other extenuating circumstances.

The Honourable Sir G. Carmichael :—Your Excellency,—I rise to a point of order. It seems to me that the honourable member is again questioning the correctness of the decision of the tribunal.

The Honourable Mr. S. B. Upasani :—Your Excellency,—I am sorry I am placed in a hard position. The Honourable Sir George Carmichael has himself stated the facts against the accused and the circumstances which might tell against them and I should certainly be allowed to state briefly, at any rate, some of the facts which are in their favour. I do not question the validity of the judgment. But there are circumstances which militate against it. The commission themselves have in their judgment stated that these people were not undeserving of sympathy. The commission themselves felt that the action was instantaneous. That being the case, it is just the case which deserves to be taken into consideration for showing clemency. Out of the 52 persons placed before the commission, only 18 have been convicted by the tribunal and in case of one of these accused the Honourable Mr. Sathe, who was one of the commissioners, has held that there was no sufficient evidence against him. As against the others also the incriminating evidence was of the approvers and that evidence was held to be unreliable as against the accused who were acquitted.

Under these circumstances, I hope the Council will accept this resolution. I have already stated that they were proceeded against under the Defence of India Act and, therefore, their case deserves to be considered under the Royal Proclamation.

His Excellency the President :—I am a little bit surprised that the honourable member should still advocate this resolution. Honourable members of this Council, I am sure, realise themselves that not only the Government but they themselves are the proper stewards of justice, of law and order. Here is really essentially a very simple case. It is a case of a foul and brutal murder. There is no room for sentimentality. It is only a question of justice. I will not describe to you the horrible nature of the crime itself because all honourable members are aware of it. It was singularly brutal. It has been suggested, and it is perfectly true, that there was some degree of provocation, but that is constantly the case when murders are committed. People have to be taught that they must not commit murder whether provoked or not. It is also true that it has been suggested that some of the men are not entirely undeserving of sympathy. It is for that

AKOLA RIOT CASE; REMISSION OF SENTENCES—TEACHING OF ENGLISH IN UPPER VERNACULAR MUNICIPAL SCHOOLS.

[*The President; Mr. S. B. Upasani; Sir Ibrahim Rahimtoola.*] [18TH MARCH 1920.]

very reason why I myself minuted on the case some months ago that the case should be brought up for further consideration in three years' time. That will show to honourable members that this case will not go by default but will be carefully watched by Government. Honourable members will agree with me that this is not a case which comes within the purview of His Majesty's gracious royal message of amnesty and clemency. It was not for this class of offences that amnesty was extended. And I am sure the honourable member will be wise in leaving matters as they are in view of what my honourable colleague has just told the Council. I do not know what the Honourable Mr. Upasani desires to do. Government cannot accept this resolution and I think it would be very undesirable that anything on the lines suggested in the resolution should take place.

The Honourable Mr. Upasani :—It is a matter for your Excellency's mercy and I will, therefore, leave the matter to your Excellency and the Honourable Member in Charge.

The resolution was by leave withdrawn.

His Excellency the President :—Resolution No. 23. The Honourable Mr. Upasani.

"This Council recommends to His Excellency the Governor in Council that Municipalities and Local Boards be allowed to introduce the teaching of the first three English standards in their upper vernacular schools if there be more than 25 students available to attend the English classes."

The Honourable Mr. S. B. Upasani :—May it please your Excellency,—In this resolution I beg to move that Government be pleased to allow municipalities and local boards to introduce the teaching of the first three English standards in their upper vernacular schools if more than 25 students are available to attend the English classes. Government has already kindly introduced that experiment in a few schools as recommended in one of my resolutions. That resolution was first moved so long ago as 1915, and a very long time passed before any action was taken. Year after year questions were asked in Council and provision has only now been made for starting the experiment. In the meantime the necessity for making this provision has been more pressing than when I moved my first resolution on this subject. The main reason is that the difficulty of keeping boys at a distant place at a young age for learning English has increased. That being the case, nothing will be lost by allowing municipalities and local boards to introduce this measure experimentally in schools where they think more than 30 boys will be available to attend the classes. That there are a number of schools where this number will be available, will, I think, be admitted. In fact, in answer to a question which I asked some time back as to the number of schools which taught the higher vernacular standards, between the 5th and 7th, and of those of them in which there were more than 30 boys available for learning English, I was told that there were 504 such schools, that 36,889 boys were learning in these higher standards and that in 122 schools more than 30 boys were available. I believe that it will not be possible to open these classes in all these schools, but there are at least seven or eight districts where the experiment can easily be made. Already the resources of the municipalities and local boards are limited and Government have to help these bodies in this matter. It is in deference to the very great demand of the public that I have moved this resolution and it is also in deference to the wishes of some of the municipalities and local boards that I have ventured to move this resolution before the Council. It will not cost very much to Government if organised bodies like the municipalities are allowed to introduce these classes, because they have to bear a part of the expenditure. The same is more or less the case with local boards. In my own district there are municipalities which are ready to start such classes in their schools, but they are not allowed to do so, and I asked a question in Council whether municipalities would be allowed to introduce these classes and I was told that they would not be. If only permission is given to these bodies which are well constituted when they are themselves willing to start the classes and the education is given under the supervision of Government officers of the Educational Department there will be no objection to allow the experiment to be tried in these schools. This will meet public convenience. I, therefore, pray that the resolution will be kindly accepted by Government.

The Honourable Sir Ibrahim Rahimtoola :—Your Excellency,—The history of introducing English teaching classes in higher vernacular schools is well known to honourable members. It is perfectly true that the Honourable Mr. Upasani moved a resolution on the subject some years ago, but nothing was done for some considerable time. It was recently that the Honourable Mr. Paranjpye brought forward the subject again and Government accepted a resolution on condition that the scheme should be discussed with

TEACHING OF ENGLISH IN UPPER VERNACULAR MUNICIPAL SCHOOLS.

[18TH MARCH 1920.] [*Sir Ibrahim Rahimtoola.*]

him. The Secretary to Government in the Educational Department, the Honourable the Director of Public Instruction and I myself met the honourable member and we discussed and formulated a scheme, and Government have put it into force as an experimental measure in twenty village schools. The orders which were issued by Government were as follows :—

> " The Director should be requested to review the arrangement now approved after the completion of the third year of experiment and to submit to Government a report on the working of the scheme."

The intention was that the experiment should be carried on for three years before it was decided whether it should be extended or not. I have already informed the Council that Government have since asked the Honourable the Director of Public Instruction to send in an *ad interim* report after only one year's trial instead of three, with a view to see whether there was justification for extending the experiment. That is the present position in regard to this question. I understand that honourable members approve of the experiment being carried out on these lines. The Honourable Mr. Upasani now brings forward a resolution on the same subject which is open to objection on several grounds. The question as to whether this experiment has proved a success or a failure has to be determined before any extension of it can be considered. I am sure honourable members will appreciate the action of Government in calling upon the Honourable the Director of Public Instruction to send in an *ad interim* report at the end of one year and this should convince them that they are taking the question into their serious consideration. Now, let us see what the honourable member wants? He asks that municipalities and local boards should be allowed to introduce the teaching of the first three English standards in their upper vernacular schools. This means that local bodies should be allowed to incur expenditure on this measure without waiting for the result of the experiment. This can hardly be regarded as reasonable.

There is one aspect of this question to which I should like to draw the attention of honourable members. If municipalities and local boards had enough resources to meet their obligatory duties under their acts and were collecting revenue in excess of their requirements, and then desired to spend such excess on these duties which are discretionary, there would be no objection. But, as honourable members are aware, the statistics which the Honourable Rao Bahadur Naik has taken such great pains to collect show that most of the municipalities in this Presidency have not got enough money to discharge their obligatory duties. Honourable members must remember that primary education is an obligatory duty, while English education is discretionary. I should like to ask whether municipalities and district local boards have in the past done their duty adequately in the direction of primary education. I am sure it will be recognised that when they are unable to discharge their obligatory duties, their first duty must be to collect adequate funds to enable them to meet these obligations and then, if there are surplus funds, to extend their efforts towards carrying out discretionary duties. I ask whether everything has been done for the cause of primary education in municipalities and district local boards. Honourable members are aware that Government are contributing 50 per cent. towards the educational expenditure of municipalities, while in the case of district local boards the figure is, I understand, something like 80 per cent. to 85 per cent. Now to talk about district local boards, who are being assisted by grants to the extent of 80 to 85 per cent. on primary education, being allowed to spend money on English teaching in higher vernacular schools is obviously unreasonable. I ask, therefore, what advantage the honourable mover is going to get by his present proposal. If he can induce municipalities to levy sufficient taxes in order to collect adequate revenues to meet the many obligations imposed upon them under the act and to have money to spare, Government will welcome their spending it on English education. As a matter of fact, it is a question for serious consideration whether those municipalities which are at present spending some portion of their revenue on English education are justified in doing so and whether they should be allowed to do so. The obligation at present of providing facilities for English education has been undertaken by Government. In any event, the obligation has not been imposed upon local bodies. Therefore, if they want to provide these facilities, the recommendation should be that municipalities should be allowed to levy special taxation for the purpose. If honourable members representing local bodies wish this done, Government will be very glad to consider it. But is it right to raise these issues in Council when the result must be that practically the whole burden will fall upon Government? It is hardly right to try to get round the decision of restricting this experiment to only twenty village schools. The Government

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resolution on the subject shows that the non-recurring expenditure per school is estimated at Rs. 700 and the recurring cost at about Rs. 50 per mensem. If the number of students comes up to 25, the figure mentioned in the honourable mover's resolution, and all of them are willing to pay a fee of Re. 1, the income will come to Rs. 25 per month. According to these figures English teaching in village schools cannot be self-supporting.

In any case I should like to ask honourable members to consider whether it is right that municipalities and district local boards in their present financial condition should be allowed to undertake this additional duty as it can only mean that it will be discharged at the expense of obligatory duties imposed under the act. For these reasons, I hope honourable members will not accept this resolution. They know that an experiment is being tried, that several months have passed, and that an *ad interim* report has been called for at the end of the first year. In these circumstances, I hope they will allow Government sufficient time to consider the report when received and to decide whether any expansion is called for and, if so, to what extent. So far as the promotion of English education is concerned, I hope honourable members will recognise that Government have been trying their best to meet the popular demand.

The Honourable Mr. S. B. Upasani:—Your Excellency,—I think the Honourable Member in Charge might have been a little more fair to the municipalities than he apparently was, so far as the discharge of their compulsory duties is concerned. Municipalities have been endeavouring to educate more than 50 per cent. of the boys of school-going age within their areas. In addition to that, they have undertaken the responsibility of giving education to boys who wish to learn English. I think this is an additional responsibility which they have undertaken. On the other hand, what provision has Government made for this purpose? They have only opened one high school in each district town, and a few middle schools. The municipalities are more alive than Government to the actual needs of the towns and have saddled themselves with this charge for optional duties and Government are leaving it to private bodies to set up these schools. Then, when we ask for permission to introduce this experiment in places where there will be no additional burden upon Government, and when the people are themselves offering to bear the cost, I do not know why permission should not be granted. Government do not make provision and do not allow these bodies also to do the needful, with the result that facilities are not afforded to the poor students to learn English. Is this a solution which the Honourable Member in Charge puts before us and expects us to be satisfied with? I humbly suggest that this is a demand which has been pressed upon Government from time to time from all quarters and, therefore, it should be attended to with all sympathy. There was a conference of the Directors of Public Instruction of all the provinces at Simla, and they have approved of this machinery. It was on the strength of that recommendation that I brought forward my resolution. I think the assurances of honourable members, like the honourable Mr. Paranjpye, who support my resolution will show that there is no danger of the municipalities or the local boards abusing the privilege of opening these classes in places where they are needed and can be opened, with or without a contribution from them. If this business is left to private bodies or individuals it is not possible for them to meet the initial difficulties of starting private schools, and these difficulties are becoming yearly more onerous than before. The municipalities themselves will be able to open these classes in their existing schools. They will only have to make provision for an additional teacher for teaching and will be able to utilise the existing school buildings for these classes. There will not be any additional cost either to Government or to these bodies themselves. If that is possible, then I do not know why this public convenience should be denied. Properly speaking, the control of primary education in rural areas ought to be with the local boards and in the urban area it should be with the municipalities. The local boards, instead of having any control, have practically no voice in it and, even where the people are ready to open such schools and are prepared to pay, the local boards cannot have the permission from Government. Several of the local boards and municipalities have already started separate Anglo-vernacular schools within their areas. If they are allowed to introduce this experiment, it will not add to the expenditure but reduce at least part of the expenditure which they are already incurring. It is not a new experiment. It is in their own interest to reduce the expenditure, because Government are not prepared to pay them more either for primary education or for this education. If Government had undertaken this responsibility and taken upon itself the task of opening all these middle schools, we should have been too glad, but Government do not do it. Let them, therefore, allow the municipalities and local boards to try the experiment and, if Government finds that the experiment is not successful, then there will be time to put a stop to it. Nowadays it is becoming more and more difficult to

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[18TH MARCH 1920.] [*Mr. S. B. Upasni; the President.*]

send children outside, there is no accommodation for them, and the cost of maintenance has risen too far.

With these few words I hope that the Council will accept this resolution.

The resolution was put to the vote and lost, 5 members voting for and 17 against it. The Council divided as follows:—

Ayes.

The Honourable Mr. Dattatraya Venkatesh Belvi, LL.B.
The Honourable Rao Saheb Harilal Desaibhai Desai, LL.B.
The Honourable Rao Bahadur Siddhanath Dhonddev Garud.
The Honourable Mr. Shridhar Balkrishna Upasani.
The Honourable Mr. Harchandrai Vishindas, C.I.E., LL.B.

Noes.

His Excellency Sir George Ambrose Lloyd, G.C.I.E., D.S.O., *President.*
The Honourable Sir G. Carmichael, K.C.S.I., I.C.S., *Vice-President.*
The Honourable Mr. G. S. Curtis, C.S.I., I.C.S.
The Honourable Sir Ibrahim Rahimtoola, Kt., C.I.E.
The Honourable Mr. Rupchand Bilaram, LL.B.
The Honourable Mr. R. H. Brooke.
The Honourable Mr. F. Clayton.
The Honourable Mr. J. G. Covernton, C.I.E.
The Honourable Mr. Mahomedbhoy Hajeebhoy.
The Honourable Khan Bahadur Pir Baksh walad Mian Mahmud, C.I.E.
The Honourable Mr. P. J. Mead, C.I.E., I. C. S.
The Honourable Mr. L. Robertson, C.S.I., I.C.S.
The Honourable Mr. C. N. Seddon, I.C.S.
The Honourable Mr. Phiroze C. Sethna, O.B.E.
The Honourable Mr. H. O. B. Shoubridge, M.Inst.C.E.
The Honourable Colonel J. B. Smith, C.B., I.M.S.
The Honourable Mr. Purshotamdas Thakurdas, C.I.E., M.B.E.

His Excellency the President:—Before adjourning this Council, as our business is now concluded, it may be to the convenience of the Council if I refer to two matters, the one is as regards our next meeting, and the other as regards the future place of our meetings.

In view of the impending election, which we expect to take place in the autumn, it will probably not be to the convenience of honourable members that we should have two meetings as usual during the Poona season, and, unless there is any urgent business, I propose to call only one further meeting of this Council, that is to say, rather later than the first meeting, probably towards the end of July. Otherwise, it will probably interfere with the activities which certain honourable members may have in areas remote from Poona, and on which their future career in the Council may depend.

The other point is as regards our future meeting place for the new Council. At Poona, we are well equipped with a Council Hall of a size quite adequate to accommodate the larger Councils, which will come into being out of the next election. But that is not the case in Bombay, and honourable members may have seen in the budget that Government propose to spend a sum of Rs. 3,00,000 upon the erection of a temporary building, in order to house the new Council for a period of something between 7 and 8 years, until new buildings can be set up. Now, I have seen, since my return this morning, a considerable amount of press criticism with regard to our proposal and, therefore, it may be interesting to the Council to hear the situation with regard to the matter. The position is just this, that there are, as I think honourable members are aware, practically no available halls, of which the acoustic properties are sufficiently good to make

[*The President.*] [18TH MARCH 1920.]

it possible for the members of the Council to be heard by Government, or for Government to make themselves heard by the members of the Council. With a view to try and solve this difficulty, I asked the Council to meet a little time ago in the University Hall which I thought was, from an architectural point of view and capacity, eminently suitable to house the Council during the intervening period. Honourable members know the result, and I think those gentlemen whose duty it is to take down the speeches in Council also know what the result was, and most urgent representations, both from honourable members and the press, were made never to meet there again. That was the result of that attempt. Outside of that hall there remain only two others, so far as I know, which could be considered possible. One is the Town Hall and the other is the Cowasji Jehangir Hall. Government were naturally anxious not to spend Rs. 3,00,000 on any building, if it could be avoided, and therefore examined the possibilities of other buildings very carefully. The Cowasji Jehangir Hall has bad acoustics. It is a difficult place to speak in. If the doors are open to traffic, it is dusty and noisy; if they are shut, it is extraordinarily unpleasant and hot. It is, for these reasons, unsuitable as a meeting place for the Council. Similarly, with regard to the Town Hall, the hall itself is not entirely unsuitable and it also is noisy. But it seems rather difficult for the Council to use for a period of, as I think it must be, 7 or 8, or possibly 10, years a Town Hall without any committee room, without any convenience of any kind for honourable members' refreshments, or reading room, and so on, which, as the future Councils will no doubt sit for several weeks at a time, will be almost essential to honourable members, if they are to carry out their duties properly.

Government has no desire whatever to encroach upon the open spaces of this town. It is perfectly true that, when the reclamation schemes that we have in view are carried out, there will be space there for a new Council Hall, or there will be a place on the open spaces adjacent, which may not then be required, as we shall have plenty of reclaimed area. But it will take at least four or five years for us to complete these schemes, on the most optimistic basis, and the new Council Hall must, as honourable members will agree with me, be a considerable building, worthy of this Presidency and of the new Council. Then the hall itself must take some three or four years in itself to build. I do not really see how the Council can carry on in an improvised manner in the Town Hall for another eight or nine years, and, if that is not to be the case, some of those gentlemen who criticise our proposals should offer us an alternative proposal as to where the Council is to be held during the eight or nine years. I thought it was perhaps fair to tell the Council the difficulties with which we are faced. We naturally desire that the new Council should, at any rate, be adequately housed before His Royal Highness the Prince of Wales visits us next winter, and it seems to us that the only possible alternative to really house the Council is to set up such a temporary building. However I have no doubt the matter will be fairly and fully discussed in public. It is, from Government's point of view, a matter of very small concern as to whether Council sit in one place or another provided they are suitably housed. It is a matter for the public of Bombay and for the honourable members of the Council; and I think, when the matter is discussed, they will see that it is not quite so easy to carry on in a temporary *ad hoc* manner as is sometimes suggested by those who very naturally desire that none of the open spaces in the city should be unnecessarily used up. I place the matter before the Council, and they will see why it is that we arrived at the conclusions we have arrived at, and they will doubtless be able to judge for themselves.

Gentlemen, this Council will now adjourn.

The Council then adjourned *sine die*.

By order of His Excellency the Honourable the Governor,

G. DAVIS,
Secretary to the Legislative Council
of the Governor of Bombay.

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PART V.

Proceedings of the Council of the Governor of Bombay.

(To be translated into Marathi and Gujarati, and the translations to be published in the " Bombay Government Gazette ". The dates of publication to be reported.)

The following Bill is published under rule 28 (5) of the Rules for the Conduct of Business at Meetings of the Legislative Council of the Governor of Bombay.

Bill No. IV of 1920.

A Bill to provide for the extension of primary education in the City of Bombay.

WHEREAS it is expedient to provide for the extension of primary education in the City of Bombay ; It is hereby enacted as follows :—

1. (*1*) This Act may be called the City of Bombay Primary Education Act, 192 .

Short title, extent and construction.

(*2*) It extends only to the City of Bombay.

(*3*) It shall be construed as part of and supplementary to the City of Bombay Municipal Act, 1888, hereinafter called " the principal Act."

III of

2. In this Act, unless there is anything repugnant in the subject or context—

Definitions.

(*1*) to " attend " a recognized primary school means to be present for instruction at such school on such days and at such time or times on each day as may be required by the Schools' Committee with the approval of the prescribed educational authority ;

(*2*) " child " means a child whose age is not less than six and not more than eleven years ;

(*3*) " parent " includes a guardian and any person who has the actual custody of a child ;

(*4*) " prescribed " means prescribed by rules made by the Governor in Council under this Act ;

(5) "primary education" means such education as is for the time being recognized as such by the Governor in Council;

(6) "recognized primary school" means a school (or a department of a school) in which instruction in primary education is given and which is for the time being recognized by the prescribed educational authority;

(7) "Schools' Committee" means a committee appointed under section 39 of the principal Act.

Issue of notification making primary education compulsory.

3. (1) The Corporation may with the previous sanction of the Governor in Council declare by notification that the primary education of boys or of girls or of children of both sexes shall be compulsory in the City of Bombay or in any ward or part of a ward thereof from a date to be mentioned in the notification; provided that, where a notification has been issued under this section with reference to children of one sex only, the Corporation may with the like sanction issue a subsequent notification with reference to children of the other sex.

(2) A notification under this section shall be published in the *Bombay Government Gazette* and shall be posted at the municipal office and at such other places, if any, as the Corporation shall deem necessary.

Corporation to make provision for primary education.

4. A notification shall not be issued under section 3 unless the Corporation satisfy the Governor in Council that they are in a position to make and will make adequate provision in municipal or other recognized schools for free and compulsory primary education.

Resolution to be passed before issue of notification.

5. A notification shall not be issued under section 3 unless the Corporation have so determined by resolution passed at a general meeting specially called in this behalf, and unless such resolution has been supported by at least two-thirds of the councillors present at the meeting and by at least one-half of the whole number of councillors.

Duty of Schools' Committee.

6. Where a notification has been issued under section 3 for any ward or part of a ward, it shall be the duty of the Schools' Committee, subject to the provisions of this Act and the principal Act, to enforce the provisions of this Act respecting the attendance of children at school and the employment of children.

Duty of parents to cause children to attend school.

7. Where a notification under section 3 is in force in any ward or part of a ward, the parent of every child to which such notification applies shall, in the absence of a reasonable excuse as hereinafter provided, and if such parent and child ordinarily reside in such ward or part of a ward, cause such child to attend a recognized primary school therein.

Meaning of reasonable excuse.

8. A parent shall be deemed to have a reasonable excuse for failure to cause a child to attend a recognized primary school in any of the following cases:—

(a) where the child is prevented from attending school by sickness, infirmity or other unavoidable cause;

(b) where the child is receiving, otherwise than in a recognized primary school, instruction which in the opinion of the Schools' Committee is efficient, or has already completed his primary education;

(c) where there is no recognized primary school within one mile, measured according to the nearest road, from the residence of the child.

Issue of attendance order.

9. Where the Schools' Committee is satisfied that the parent of any child who is bound under the provisions of section 7 to cause such child to attend a recognized primary school, has failed to do so, the Schools' Committee, after giving the parent an opportunity of being heard and after such enquiry as it considers

necessary, may pass an order directing the parent to cause such child to attend a recognized primary school on and from a date which shall be specified in the order.

Penalty for failure to cause child to attend school.

10. (*1*) Any parent against whom an order with reference to a child has been passed under section 9 and who fails to comply with the provisions of section 7 with respect to such child on and after the date specified in such order, shall, on conviction before a magistrate, be liable to a fine not exceeding five rupees.

(*2*) No court shall take cognizance of an offence under this section except on the complaint of the Schools' Committee.

Penalty for employing child liable for compulsory education.

11. (*1*) Whoever knowingly takes into his employment, either on his own behalf or on behalf of any other person, any child in respect of whom the provisions of section 7 apply, so as to interfere with the efficient instruction of such child, shall, on conviction before a magistrate, be liable to a fine not exceeding twenty-five rupees.

(*2*) No court shall take cognizance of an offence under this section except on the complaint of the Schools' Committee, and before making any complaint under this section against any person, the Schools' Committee shall, unless such person has previously been convicted under this section in respect of the same child, cause a warning to be given to such person.

Schools' Committee may authorize person to appear.

12. A complaint to a magistrate under section 10 or section 11 may be made on behalf of the Schools' Committee by such person as may be authorized by the committee in this behalf.

Taxation for the purposes of this Act.

13. For the purposes of this Act the Corporation may, under the provisions of the principal Act, impose any fresh tax or increase any tax which is already levied in the municipal district.

Remission of fees.

14. Where a notification under section 3 is in force in any ward or part of a ward, no fee shall be charged in any municipal school in respect of the primary education of any child of the sex specified in such notification whose age does not exceed eleven years.

Power to exempt particular classes or communities.

15. The Governor in Council may by notification in the *Bombay Government Gazette* exempt any particular class or community from the operation of this Act.

Withdrawal of notification on default.

16. If in the opinion of the Governor in Council, the Corporation have made default in any of the requirements of this Act, after giving the Corporation an opportunity of furnishing an explanation the Governor in Council may by notification in the *Bombay Government Gazette* cancel any notification which has been issued under section 3.

Fines to be credited to Corporation.

17. All fines levied by any magistrate in respect of any offence against the provisions of this Act shall be credited to the municipal fund.

Rules.

18. (*1*) The Governor in Council may by notification in the *Bombay Government Gazette* make rules for the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing provision, such rules may be made—

(*a*) prescribing the educational authority by whom the duties imposed by section 2, sub-sections (*1*) and (*6*), shall be performed;

(*b*) prescribing the manner in which application may be made for sanction to issue a notification under section 3;

(*c*) determining generally what shall be considered to be adequate provision for free and compulsory primary education under section 4;

(*d*) requiring the Corporation to prepare and publish a register of children liable for compulsory primary education in the municipal district; and

(*e*) when the local Government determine to share the cost of providing free and compulsory primary education, specifying the extent to which the cost thereof shall be borne by the local Government.

Amendment of section 39 (*1*) of the principal Act.

19. In sub-section (*1*) of section 39 of the principal Act

(*a*) for the word "twelve" the word "sixteen" shall be substituted; and

(*b*) the following words shall be added to the sub-section:—

"Of these sixteen members twelve shall be elected by the corporation from among the councillors and the remaining four, of whom two shall be ladies, shall be selected by the corporation."

Repeal of section 62 B of the principal Act.

20. Section 62 B of the principal Act is hereby repealed.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to enable the Municipal Corporation of the City of Bombay to introduce free and compulsory primary education for boys or girls or for both in the whole city simultaneously or by wards or parts of wards. It follows the lines of Bombay Act I of 1918 which was enacted with the same object in respect of the district municipalities. Section 62 B of the principal Act is repealed as no longer applicable in view of the intention of Government to make a more liberal grant and section 39 is amended to provide for the strengthening of the Schools' Committee by the inclusion of four educationists from outside the corporation.

27th January 1920. (Signed) IBRAHIM RAHIMTOOLA.

By order of His Excellency the Honourable the Governor,

G. DAVIS,

Secretary to the Legislative Council of the Governor of Bombay.

Bombay, 28th April 1920.

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PART V.

Proceedings of the Council of the Governor of Bombay.

(To be translated into Marathi and Gujarati, and the translations to be published in the " Bombay Government Gazette ". The dates of publication to be reported.)

The following Bill is published under rule 28 (5) of the Rules for the Conduct of Business at Meetings of the Legislative Council of the Governor of Bombay.

Bill No. V of 1920.

A Bill to amend the Bombay Town Planning Act, 1915.

WHEREAS it is expedient to amend the Bombay Town Planning Act, 1 of 1915, in manner hereinafter appearing; It is hereby enacted as follows:—

1. This act may be called the Bombay Town Planning (Amendment) Act, 192 . Short title.

2. In sub-section (*1*) of section 15 of the Bombay Town Planning Act, 1915, hereinafter called the said act:— Amendment of section 15 of Bom. I of 1915.

(*a*) in clause (*a*) after the word "work," the words "or remove, pull down, or alter any building or part of a building or remove any earth, stone or material" shall be inserted;

(*b*) the following clause shall be added:—

"(*e*) Any diminution in the value of an original plot occasioned by any contravention of clause (*a*) or clause (*b*) shall, notwithstanding anything contained in sections 16, 17 or 19, be taken into account in fixing the market value of such plot."

3. For the first paragraph of section 17 of the said act, the following shall be substituted:— Amendment of section 17 of Bom. I of 1915.

"For the purposes of this Act the increment shall be deemed to be the amount by which at the date of the declaration of intention to make a scheme the market value of a plot included in the final

scheme estimated on the assumption that the scheme has been completed would exceed at the same date the market value of the same plot estimated without reference to improvements contemplated in the scheme:"

4. In section 19 of the said act:— Amendment of section 19 of Bom. I of 1915.

(*a*) after the word "and" occurring for the third time, the words "with or" shall be inserted;

(*b*) after the word "boundaries," the following shall be inserted:—

"in accordance with rules framed under clause (*gg*) of sub-section (*2*) of section 52 of this act."

5. In sub-section (*2*) of section 52 of the said act:— Amendment of section 52 of Bom. I of 1915.

(*a*) after clause (*g*) the following clause shall be inserted:—

"(*gg*) the manner in which the estimate shall be made under section 19;"

(*b*) in clause (*l*), for the words "local authority" the words "Governor in Council" shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

The object of the present amendments is to remedy certain defects in the Act which have become apparent in its actual application to town planning schemes. The following notes on clauses explain the reasons for the principal amendments.

Notes on clauses.

Clause 2.—For the purposes of section 19 the market value of a plot has to be taken as at the date of declaration of intention to make a scheme. It has been represented to Government that cases have actually occurred in which owners of certain plots, who were either bought out or given a different plot in the final allotment sold the right to excavate earth from their original plots and so depreciated the value of their holdings. The final owner would thus be given the plot as valued at a date prior to such depreciation. The object of the amendment is to enable allowance to be made for such depreciation.

Clause 3.—The amendment proposed is purely verbal and is intended to remove certain doubts that have arisen as to the interpretation of the section.

Clause 4.—As it has been found to be inequitable in certain cases to omit from consideration improvements contemplated by the scheme, other than improvements due to alteration of boundaries and as it is not possible to provide in the Act for every contingency that may arise, it is proposed to regulate by rule the manner in which estimates under this section should be made.

Clause 5 (*a*).—This amendment is consequential.

(*b*) The publication referred to in section 40 (*1*) is to be made by the Governor in Council.

23rd January 1920. (Signed) G. S. CURTIS.

By order of His Excellency the Honourable the Governor,

G. DAVIS.
Secretary to the Legislative Council of the
Governor of Bombay.

Bombay, 5th May 1920.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS

The
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THURSDAY, 27TH MAY 1920.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Proceedings of the Council of the Governor of Bombay.

The following Bill is published under rule 28 (5) of the Rules for the Conduct of Business at Meetings of the Legislative Council of the Governor of Bombay :—

BILL No. VI of 1920.

A Bill to consolidate and amend the law relating to pleaders in the presidency of Bombay.

WHEREAS it is expedient to consolidate and amend the law relating to pleaders in the presidency of Bombay; and whereas the previous sanction of the Governor General required by section 79, sub-section (2), of the Government of India Act, 5 & 6, Geo. V., c. 61. 1915, has been obtained for the passing of this Act; it is hereby enacted as follows:—

1. (1) This Act may be called the Bombay Pleaders Act, 192 . Short title and extent.

(2) It extends to the whole of the presidency of Bombay except Sind and Aden.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(1) "the High Court" means the High Court of Judicature at Bombay;

(2) "court subordinate to the High Court" means any court, tribunal, or person whose decree, order, decision or award is, or may hereafter be, subject to the appellate or revisional jurisdiction of the High Court;

(3) "pleader" means a pleader admitted under this or any previous Act, and includes an attorney of the High Court in so far as, and in respect of the courts in which, such attorney is entitled to practise in accordance with any enactment for the time being in force or any rule made by the High Court in this behalf;

(4) "district" means the local limits of the jurisdiction of a principal civil court of original jurisdiction other than the High Court;

(5) "the Letters Patent" means the Letters Patent of the High Court of Judicature for the presidency of Bombay, dated the 28th December 1865;

(6) "prescribed" means prescribed by rules made under this Act.

Letters Patent, ss. 9 & 10; Bom. Reg. I of 1827, s. 48.

3. Pleaders admitted by the High Court under this Act shall be of two classes, namely, vakils of the High Court and district pleaders.

Classes of pleaders.

4. (1) The High Court shall issue to every pleader on his admission a sanad in form A or form B in Schedule II, as the case may be, or in such other form as the High Court may prescribe.

Sanads.

(2) In the case of the sanad of a district pleader, the name of the district for which the sanad is available shall be specified therein.

5. (1) No district pleader shall hold a sanad in respect of more than one district at the same time.

Extent and transfer of sanads.

(2) On the application of a district pleader holding a sanad which is available for any one district the High Court may from time to time, by endorsement on such sanad, render the same available for any other district.

Bom. Reg. of 1827, s. 48; I of 1846, s. 4.

6. (1) Any person who is duly qualified and is of unexceptionable character shall be entitled to be admitted as a pleader.

Conditions of admission.

(2) The number of pleaders shall not be limited.

7. Subject to the provisions of any law for the time being in force and, with respect to the right of vakils of the High Court to practise in the High Court, subject to any rules for the time being in force under section 10 of the Letters Patent, a vakil of the High Court shall be entitled to practise—

Where vakils of High Court are entitled to practise.

Letters Patent, s. 9.

(a) in the High Court;

(b) in any court subordinate to the High Court; *Cf.* XVIII of 1879, s. 4.

(c) before the tribunal of appeal constituted under the City of Bombay Improvement Act, 1898; and Bom. IV of 1898.

(d) in or before any other court, tribunal or person in or before which or whom vakils of the High Court are or may hereafter be entitled by law to practise.

8. Subject to the provisions of any law for the time being in force, a district pleader shall, within the district in respect of which he holds a sanad, be entitled to practise—

Where district pleaders are entitled to practise.

(a) in any criminal court; *Cf.* Bom. Reg. II of 1827, s. 47; and I of 1846, s. 4.

(b) in such civil court or courts as the District Judge may assign to him; and *Cf.* Bom. Reg. II of 1827, s. 49.

(c) in or before any other court, tribunal or person in or before which or whom district pleaders are or may hereafter be entitled by law to practise.

9. No person shall appear, plead or act for any party in any civil suit, appeal or proceeding, unless he is a pleader as defined in this Act and is entitled and duly empowered to appear, plead and act for such party in such suit, appeal or proceedings: *Cf.* Bom. Reg. II of 1827, s. 47; V of 1908, sch. I, O. 3, r. 1; Letters Patent, s. 10.

Appearance in civil court by unauthorized person forbidden.

Provided that nothing in this section shall apply—

(a) to any party appearing, pleading or acting on his own behalf, or appearing or acting by his recognized agent, or

(b) to any advocate of the High Court.

10. (1) Except as otherwise provided in this section, no pleader shall appear, plead or act for a party in any civil or criminal case until he has obtained from such party and filed in court a vakalatnama in form C in Schedule II, or in such other form as the High Court may prescribe. *Cf.* Bom. Reg. II of 1827, s. 50.

Cases in which vakalatnama is required.

(2) It shall not be necessary for the following persons to obtain a

vakalatnama for the purpose of appearing, pleading and acting in the capacities respectively mentioned hereunder:—

(*a*) a pleader appointed by a court to defend a person accused of a criminal offence, who has not sufficient means to enable him to employ a pleader;

(*b*) a pleader appointed by a court as *amicus curiæ*;

Bom. Reg. I of 1827, s. 47 (4). V of 1898, s. 493 and 495.

(*c*) a government pleader;

of 1898.

(*d*) a public prosecutor, or a person permitted or empowered, under section 495 of the Code of Criminal Procedure, 1898, to conduct a prosecution.

(*3*) Where a pleader has filed a vakalatnama at the original hearing of a case, it shall not be necessary for him to obtain a fresh vakalatnama for the purpose of an application for review of judgment, or of an application under section 152 of the Code of Civil Procedure, 1908, or under order XLV in the First Schedule to the said Code, or for the purpose of an appeal under the Letters Patent.

f 1908.

(*4*) Where a pleader has filed a vakalatnama in a case, he may with the permission of the court transfer his brief to another pleader, and it shall not be necessary for such other pleader to obtain a vakalatnama.

Bom. Reg. II of 1827, s. 50 (1).

11. (*1*) A party engaging a pleader shall pay him a retaining fee of an amount not less than eight annas.

Retaining fee.

(*2*) Where a party fails so to do, the pleader shall demand such fee and shall not perform any services for such party until the fee has been paid.

(*3*) Every pleader receiving such fee shall give a receipt in writing for the same, specifying the date of receipt.

Bom. Reg. II of 1827, ss. 50 and 53

12. No pleader after accepting a retaining fee shall,

Pleader not to act for party adverse to his client, and not to refuse to act for his client.

(*a*) appear, plead or act, or agree so to do, on behalf of any other party whose interest in the case is adverse to that of his client, or

(*b*) without the permission of the court, refuse or omit to appear, plead or act for his client.

13. Every pleader receiving a document of any kind from his client shall— *Cf.* Bom. Reg. II of 1827, s. 5 (2).

Receipt to be given for documents.

(*a*) give a receipt in writing for such document at the time when he receives it, and

(*b*) if his client requires the return of such document and gives a receipt in writing for it, return it to his client.

14. (*1*) A pleader shall be bound to attend in court on any day which, by notice duly given or in accordance with the practice of the court, is fixed for the hearing of a case in which he is employed. *Cf.* Bom. Reg. II of 1827, s. 54, and XX of 1853, s. 2.

Pleaders bound to attend on day fixed for case except in certain cases.

(*2*) Where a pleader employed in any such case is, from indisposition or any other necessary cause, unable to attend on such day or at the time when the case is called on, he shall notify the same to the court and thereupon the case shall be stayed for such time as the court may deem reasonable:

Provided that in cases in which a party is represented by more than one pleader and one of such pleaders is present, the court may proceed with the case.

(*3*) In any case where a pleader ceases, temporarily or permanently, to act for his client, because he has accepted an official appointment, or has been permitted to withdraw from the case, or has been suspended or dismissed, or has died, or for any other reason, the case shall be stayed for such time as the court may deem reasonable.

15. No pleader shall tender, give, retain or consent to retain any gratification for procuring or having procured the employment of himself or of any other pleader in any legal business. *Cf.* XVIII of 1879, s. 13 (*c*) and (*d*).

Pleaders not to give or take commission.

16. No pleader shall— *Cf.* XVIII of 1879, s. 13 (*a*).

Pleaders not to take instructions except from client or authorized agent.

(*a*) take instructions in any case except from the party on whose behalf he is retained or from some person who is, within the meaning of the Code of Civil Procedure, 1908, the recognized agent of such party, or from a servant, relative or V of 1908.

friend authorized by such party to give such instructions, or

f. XVIII of 1879, s. 13 (*c*).

(*b*) accept any employment in any legal business through a person who has been proclaimed as a tout.

f. Bom. Reg. II of 1827, s. 52 (*3*), and I of 1846, s. 7.

17. Any party employing a pleader may settle with him by private agreement the terms of his engagement and the fee to be paid to him for his professional services.

Fee may be settled by private agreement.

f. Bom. Reg. II of 1827, s. 52, and I of 1846, s. 7.

18. (*1*) Where costs are awarded to a party in any suit, appeal, application, reference or proceeding, the amount of the pleader's fee to be taxed in the bill of costs as recoverable by such party, if represented by a pleader, from his adversary, shall be computed in accordance with the rules in Schedule III.

Computation of taxed fee.

(*2*) Nothing contained in sub-section (*1*) of this section or in section 20 shall apply to fees payable to pleaders in the Court of Small Causes of Bombay.

f. Bom. Reg. II of 1827, s. 52 (*3*).

19. (*1*) Each pleader employed by any party shall be entitled to receive from him the fee, if any, settled under section 17:

Amount payable by client to pleader.

f. Bom. Reg. II of 1827, s. 52 (*4*).

Provided that where costs are awarded to such party and the pleader's fee taxed is greater in amount than the fee settled under section 17, the pleader shall be entitled to the excess when recovered.

f. Bom. Reg. II of 1827, s. 52 (*1*).

(*2*) Where no fee has been settled under section 17, the pleader shall be entitled to receive from his client a fee computed in accordance with the rules in Schedule III.

f. Bom. Reg. II of 1827, s. 52 (*1*).

(*3*) The fee which a pleader is entitled to receive from his client under sub-section (*2*), and except when otherwise agreed between the pleader and the client, the fee which a pleader is entitled to receive under sub-section (*1*), is payable in respect of the pleader's services until the final decree or order in the suit, appeal, application, reference or proceeding is passed.

f. Bom. Reg. II of 1827, s. 53.

20. (*1*) Where a party has, before the first hearing of a case, engaged more than one pleader, the fees of two pleaders may be taxed in the bill of costs in the following cases:—

When fees of two pleaders may be taxed.

(*a*) in any original suit, of which the amount or value of the subject matter exceeds Rs. 5,000, in any court subordinate to the High Court;

(*b*) in any contested proceeding under the Indian Succession Act, 1865, the Probate and Administration Act, 1881, or the Land Acquisition Act, 1894, of which the amount or value of the subject matter exceeds Rs. 5,000, in any court subordinate to the High Court; X of 1865 V of 1881. I of 1894.

(*c*) in any appeal to the High Court from a decree deciding on the merits any suit or any contested proceeding of the kind referred to in clause (*a*) or clause (*b*);

(*d*) in any suit of which the amount or value of the subject matter is less than Rs. 5,000, where the court certifies by order in writing that the fees of two pleaders may be taxed:

Provided that nothing in this section shall affect suits or appeals by paupers, or suits or appeals governed by the Dekkhan Agriculturists' Relief Act, 1879. XVII of 187

(*2*) Except in the cases specified in this section, a party employing more than one pleader shall not be entitled to recover from his adversary more than one set of pleader's fees.

21. (*1*) Where there are more plaintiffs, appellants or applicants than one, having the same cause of action, they shall not be entitled to recover more than one set of pleader's fees.

Cases where there are more plaintiffs, and where there are more defendants, than one.

(*2*) Where there are more defendants, respondents or opponents than one, and where such defendants, respondents or opponents have been represented by different pleaders, the court, if it is of opinion that their grounds of defence are substantially distinct, may in its discretion award more than one set of pleader's fees.

22. In any civil appeal or application to the High Court from the decree or order of a court subordinate to the

Taxation of costs in appeals to High Court.

High Court, if costs between party and party are awarded by the High Court, such costs shall be taxed by an officer of the High Court and included in the bill of costs in the prescribed manner.

Taxation of costs in mufassal courts.

23. In any court subordinate to the High Court situate elsewhere than in the City of Bombay, the amount of the pleader's fee to be taxed in the bill of costs shall not be in excess of the amount computed in accordance with the rules in Schedule III:

Provided that nothing in this section shall apply to bills of costs framed under the provisions of the Indian Companies Act, 1913.

VII of 1913.

Cf. Bom.Reg. II of 1827, s. 56.

Suspension or removal of pleader by High Court on accusation of criminal offence.

24. The High Court may suspend or remove from practice a pleader who has been convicted by any criminal court in British India of a criminal offence implying a defect in his character which in the opinion of the High Court renders him unfit to be a pleader.

Cf. Bom.Reg. II of 1827, s. 56.

Punishment of pleader by High Court for improper conduct.

25. On the application of the Government Pleader in the High Court, or on a report from a District Court or Court of Session, or from the Chief Judge of the Court of Small Causes of Bombay, or from the Chief Presidency Magistrate for Bombay, or otherwise, the High Court may suspend or remove from practice, or may fine or reprimand, a pleader who has been guilty of neglect of duty or of a violation of any of the provisions of this Act or of any other improper conduct, whether in his professional character or otherwise.

Cf. Bom.Reg. II of 1827, ss. 50 (3) and (4), 51 and 54, and I of 1846, ss. 10-12.

Powers of District Court or Court of Session in respect of improper conduct of pleader.

26. (*1*) Where it appears to a District Court or Court of Session or to the Chief Judge of the Court of Small Causes of Bombay, or to the Chief Presidency Magistrate for Bombay, that a pleader has been guilty of neglect of duty or of a violation of any of the provisions of this Act or of any other improper conduct (whether in his professional character or otherwise), with reference to any case coming before such court or before a court subordinate to such court, such court may hold an enquiry into such matter and may take evidence thereof and in rebuttal thereof, in the presence of such pleader.

(*2*) Where the court holds such matter to be proved it may fine or reprimand such pleader:

Provided that the court, after holding such enquiry, may, if it deems fit, instead of taking any action itself, report the matter to the High Court.

Conduct of case in High Court against pleader.

27. (*1*) Where any case under section 24, section 25 or section 26 is heard by the High Court, the Advocate General or such counsel or pleader as may appear for the Crown shall argue the case against the pleader against whom the allegation is made, and such pleader may appear in person or by counsel or pleader.

(*2*) In any such case the High Court may make such order as to costs as it thinks fit.

Cf. Bom. II of 1 s. 56.

Legal proceedings against pleaders not affected.

28. Nothing in this Act shall be deemed to preclude any party from taking any legal proceedings in respect of any loss or injury sustained by him in consequence of such pleader's act or omission.

Cf. I of 1 s. 8.

Agreement for fee enforceable by civil suit.

29. An agreement between a pleader and his client respecting the remuneration payable to such pleader for his professional services may be enforced by suit in a civil court of competent jurisdiction and not otherwise.

Cf. Le Patent 10, XVIII 1879, and 27.

Rules.

30. (*1*) The High Court may make rules consistent with the provisions of this Act—

(*a*) prescribing the qualifications and mode of admission of pleaders and the fees payable for admission;

(*b*) prescribing the fees payable in respect of examinations (if any) held for the office of pleader;

(*c*) regulating, and providing for the recognition of, district bar

associations and for granting sanction to the rules of such associations;

(*d*) requiring that a pleader shall be a member of, and submit to the rules of, the bar association of the district in which he practises;

(*e*) requiring that a pleader shall be a member of, and subscribe to, the law library in the district in which he practises;

(*f*) providing for the taxation of costs between party and party and between pleader and client;

(*g*) prescribing, in lieu of the forms in Schedule II, the form of sanad to be given to pleaders and the form of vakalatnamas;

(*h*) prescribing, in lieu of or in addition to the rules in Schedule III, the manner in which the pleader's fee shall be computed, and the amount of the pleader's fee, and determining the amount or value of the subject matter in particular classes of cases or in cases generally, for the purpose of calculating the pleader's fee;

(*i*) prescribing the manner in which costs in appeals or applications to the High Court from decrees or orders of courts subordinate to the High Court shall be taxed, in cases where costs between party and party are awarded by the High Court;

(*j*) fixing the scale of costs which may be awarded in cases under sub-section (*2*) of section 27;

(*k*) generally, to give effect to such provisions of this Act as may require to be provided for by rules.

(*2*) Where the High Court prescribes any new forms in lieu of the forms in Schedule II, or makes any new rules in lieu of or in addition to the rules in Schedule III, such new forms or rules respectively shall on publication be deemed to be enacted in such Schedule in lieu of or in addition to the forms or rules now therein enacted.

(*3*) All rules made under this Act shall be published in the *Bombay Government Gazette* and shall thereupon have effect as if enacted in this Act.

Savings.

31. Nothing in this Act shall be deemed to limit or otherwise affect the powers conferred upon the High Court by sections 106 and 107 of the Government of India Act, 1915, or by sections 9 and 10 of the Letters Patent or by any law for the time being in force. 5 & 6 Geo. V, c. 61.

Pending cases.

32. Nothing in this Act regarding the appointment, appearance or remuneration of pleaders or the taxation of costs shall apply in respect of any civil suit, appeal, application, reference or proceeding pending in any court at the commencement of this Act, and all such cases, until their final disposal by the court in which they are pending, shall be governed, in respect of the said matters, by the law and rules in force immediately before the commencement of this Act.

Repeal.

33. The enactments mentioned in Schedule I are hereby repealed to the extent specified in the third column thereof.

SCHEDULE I.

(*See section 33.*)

No. and date of enactment.	Title.	Extent of repeal.
Bombay Regulation II of 1827.	A Regulation for defining the constitution of the Courts of Civil Justice and the Powers and Duties of the Judges and Officers thereof.	So much as has not already been repealed, excepting the part of section 21 which prohibits interference of the civil courts in caste questions.
Act I of 1846 ...	An Act for amending the law regarding the appointment and remuneration of Pleaders in the Courts of the East India Company.	The whole, excepting section 5.
Act XX of 1853 ...	An Act to amend the law relating to Pleaders in the Courts of the East India Company.	Section 2.

SCHEDULE II.

FORM A.

Sanad for a Vakil of the High Court.

(Section 10 of the Amended Letters Patent and section 4 of the Bombay Pleaders Act, 192 .)

IN HIS MAJESTY'S HIGH COURT OF JUDICATURE,
APPELLATE SIDE, BOMBAY.

Bombay, 19 .

To

In conformity with the Rules made under the provisions of section 10 of the Letters Patent constituting the High Court of Judicature at Bombay and published under the date and in conformity with the provisions of the Bombay Pleaders Act, 192, you are hereby approved, admitted and enrolled as a Vakil of the said High Court, and you will not be liable to be removed or suspended from practice, except for reasonable cause.

By order of His Majesty's High Court
of Judicature at Bombay,

Seal of the High Court.

Deputy Registrar.

Sealer.

The day of 19 .

N.B.—Reasonable cause will include participation in any disloyal movement.

FORM B.

Sanad for a District Pleader.

(Section 4 of the Bombay Pleaders Act, 192 .)

IN HIS MAJESTY'S HIGH COURT OF JUDICATURE,
APPELLATE SIDE, BOMBAY.

Bombay 19 .

To

In conformity with the provisions of the Bombay Pleaders Act, 192 , you are hereby appointed to the office of District Pleader in the district of .

You will not be liable to be removed from your office during your good behaviour while you discharge your duty with zeal and integrity under the rules contained in the Laws which now are or hereafter may be in force.

By order of His Majesty's High Court
of Judicature at Bombay,

Seal of the High Court.

Deputy Registrar.

Sealer.

The day of 19 .

N.B.—It will be considered a breach of the condition of good behaviour if the holder of this sanad takes part in any disloyal movement.

FORM C.

Vakalatnama.

(Section 10 of the Bombay Pleaders Act, 192 .)

(In any case, civil or criminal.)

In the Court of_____

(Here specify nature of the case and names of parties or of complainant or accused or prisoner, as the case may be.)

I_____the aforesaid Plaintiff, or Appellant, etc., or Defendant or Respondent, or Complainant or Accused, etc. (as the case may be) do hereby appoint Mr._____(name of the Pleader) to appear, plead and act for me as Pleader in the abovementioned case.

Dated this_____day of_____19 .

(Signature or mark of the client.)

Accepted.

(Signature of the Pleader.)

SCHEDULE III.

(See section 18.)

Rules for computing the pleader's fee.

I.—(*a*) In suits which decide on the merits the real dispute between the parties,

(*b*) in appeals from decrees (including preliminary decrees) other than appeals from execution proceedings, which decide on the merits the real dispute between the parties,

(*c*) in applications or proceedings under the

(i) Probate and Administration Act, 1881,

(ii) Indian Succession Act, 1865,

(iii) Land Acquisition Act, 1894,

the amount of the pleader's fee shall be computed on the amount or value of the subject matter in dispute in the suit, appeal, application or proceeding at the rates specified below:—

If the amount or value of the subject matter in dispute does not exceed Rs. 2,000 at 5 per cent.

If such amount or value exceeds Rs. 2,000 but does not exceed Rs. 5,000, on Rs. 2,000 as above and on the remainder at 3 per cent.

If such amount or value exceeds Rs. 5,000 but does not exceed Rs. 10,000, on Rs. 5,000 as above and on the remainder at 2 per cent.

If such amount or value exceeds Rs. 10,000 but does not exceed Rs. 20,000, on Rs. 10,000 as above and on the remainder at 1 per cent.

If such amount or value exceeds Rs. 20,000, on Rs. 20,000 as above and on the remainder at ½ per cent.

II.—(*a*) In appeals from orders,

(*b*) in civil applications or proceedings other than applications and proceedings necessary for the progress of a suit or appeal and other than applications, proceedings or appeals falling under rules I, IV and V, and

(*c*) in all other cases not otherwise provided for,

the amount of the pleader's fee to be allowed shall be one-fourth of that payable according to the rates specified in rule I.

III.—The fee prescribed in rules I and II shall be taken to be the remuneration for the pleader's services until the final decree or order in the suit, appeal, application, reference or proceeding, is passed.

IV.—In execution proceedings the pleader's fee to be allowed shall be one-fourth of the fee calculated at the rates specified in rule I on the amount or value of the relief or money claimed in the application to execute the decree.

V.—(*a*) In any reference made to the High Court under section 113 of the Code of Civil Procedure, 1908,

(*b*) in any application to the High Court under section 115 of the said Code,

(*c*) in any application to the High Court under section 25 of the Provincial Small Causes Courts Act, 1887,

(*d*) in any application for the exercise of the High Court's Extraordinary Jurisdiction in civil matters,

(*e*) in all applications or appeals under

(i) the Guardians and Wards Act, 1890,

(ii) the Succession Certificate Act, 1889,

(iii) the Succession (Property Protection) Act, 1841,

(iv) the Indian Trusts Act, 1882,

(v) the Provincial Insolvency Act, 1907,

(vi) any other special or local Act,

a sum of Rs. 30 shall be allowed as the pleader's fee.

VI.—In no case, whether specifically provided for in this Schedule or otherwise shall the pleader's fee payable in any civil suit, appeal, application or proceeding be less than

(*a*) Rs. 30 in the High Court,

(*b*) Rs. 15 in the District Court or in the Court of a Subordinate Judge,

(*c*) Rs. 5 in any Court in suits of the nature cognizable by a Court of Small Causes, or in the Court of a Jagirdar or Inamdar exercising jurisdiction under Bombay Regulation XIII of 1830 and Act XV of 1840, or in the Court of a Mamlatdar under the Mamlatdars' Courts Act, 1906.

STATEMENT OF OBJECTS AND REASONS.

The law relating to pleaders in the Bombay presidency is at present contained in the unrepealed portions of Bombay Regulation II of 1827, Act I of 1846, and Act XX of 1853; in sections 9 and 10 of the amended Letters Patent of the High Court; and in those portions, namely sections 1, 2, 3, part of section 4, sections 13 (*e*), 34, 36 and section 40 of Act XVIII of 1879 which are in force in the presidency. It would be convenient if these scattered provisions were consolidated in a single Act. The Honourable the Chief Justice and Judges of the High Court have also brought to the notice of Government the need for amending the existing law in certain particulars so as to bring it into accord with the requirements of the present time. Their recommendations, which were made after ascertaining the views of representative associations of the legal profession and of the District Judges, form the basis of the present bill.

2. The provisions of the present law bearing upon particular clauses of the bill are mentioned in the marginal notes to the bill. Such comments on clauses as appear to be necessary are contained in the following notes:—

Notes on Clauses.

Clause 2 (*3*).—The definition of the word "pleader" includes also attorneys, who under section 4 of Act XX of 1853 are permitted to practise in any court subordinate to the High Court (XX of 1853, section 4).

Clause 3.—The existing distinction between vakils of the High Court and district pleaders is preserved. The former are appointed under sections 9 and 10 of the Letters Patent and the latter under section 48 of Bombay Regulation II of 1827.

Clause 5.—Sanads are not at present issued for more than one district at a time, and sub-clause (*1*) of this clause gives legal sanction to the existing practice. Transfers will however be easily effected as the High Court will have power to substitute one district for another in the sanad by a mere endorsement without additional charge.

Clause 7 (*c*).—This provision is in accordance with the established practice.

Clause 10 (*2*) (*a*) *and* (*b*).—These provisions are in accordance with the rules now in force.

Clauses 15 and 16.—These provisions are based upon section 13, clauses (*a*), (*c*), (*d*) and (*e*) of the Legal Practitioners' Act, 1879. As only clause (*e*) of that section is at present in force in the Bombay presidency, clause 15 and sub-clause (*a*) of clause 16 of the bill will be new law.

Clause 18 and Schedule III.—The Schedule contains revised rules for computing pleaders' fees. The principle that, in regular suits and appeals which decide on the merits the real dispute between the parties, the pleader's fee shall be a percentage on the amount or value of the subject matter in dispute (Bom. Reg. II of 1827, section 52) has been retained, but as the present rate or percentage was fixed nearly a century ago it has been revised in the bill. The same principle has been extended also to those kinds of application which are specified in head I (*c*) of the Schedule. Secondly, the principle that quarter fees shall be allowed in "other cases" (I of 1846, section 7) has been preserved in respect of the applications and execution and other proceedings mentioned in heads II and IV of the Schedule. Thirdly, fixed fees are prescribed for the cases specified in head V, and a minimum fee has been laid down in head VI. In addition to revising the scale of fees as above, the bill (clause 30 (*i*) (*h*)) gives power to the High Court to revise the Schedule from time to time as occasion may require.

Clause 20.—This provision enables fees for two pleaders to be taxed in certain cases where the engagement of more than one pleader may be necessary: this is prohibited by the law now in force (Bom. Reg. II of 1827, section 53 (*2*)).

Clause 21.—This is a new clause but is in accordance with the practice and rules at present observed.

Clauses 22 and 23.—The provisions are in accordance with the existing practice.

Clause 24.—This embodies the provision now contained in section 56 of Bombay Regulation II of 1827 which enacts that "a pleader accused of a criminal offence . . . shall be liable to be suspended or dismissed"; but "convicted" has been substituted for accused and "criminal offence" has been limited in the bill by the qualification "implying a defect in his character . . . "; the latter wording is taken from XVIII of 1879, section 12. The words "by any criminal court" are not contained in, but appear to be implied in, section 56 of the regulation cited above.

Clause 25.—By this clause the High Court is invested with the power of suspending, removing, fining or reprimanding a pleader who has been guilty of neglect of duty, contravention of any provision of the bill or improper conduct whether in his professional character or otherwise, which renders him unfit to be a pleader. The provision includes the powers given by section 56 of Bombay Regulation II of 1827 and is within the powers possessed by the High Court in its disciplinary jurisdiction (Government Pleader, Bombay, *v.* Annaji Narayan, I. L. R. 37 Bom. 354).

Clause 26.—In cases where a pleader appears to have been guilty of any such neglect, contravention or improper conduct as has been referred to under the preceding clause, clause 26 empowers the District Court, the Court of Session, the Chief Judge of the Bombay Small Cause Court and the Chief Presidency Magistrate to enquire into the case and, either to fine or reprimand the pleader, or to report the matter to the High Court. This clause therefore, while somewhat enlarging the scope of the disciplinary powers of the courts mentioned above, withdraws from the subordinate civil and criminal courts (except those mentioned above) the power to inflict fines on pleaders conferred upon them by sections 50 (*3*) and (*4*), 51 and 54 of Bombay Regulation II of 1827 and sections 10 to 12 of Act I of 1846, in the cases of misconduct referred to therein. These powers are rarely used and it is considered

unnecessary to continue them. In addition to the powers vested in the High Court, clause 26 empowers the District and Sessions Courts to deal with cases occurring in courts subordinate to them.

Clause 27.—This provision has been inserted to ensure that the case against the pleader shall be properly presented to the court.

Clause 30 (1).—By paragraph (*d*) rules may be made requiring pleaders to be members of a bar association. The utility of bar associations in promoting the organization of local bars cannot be questioned and the development of such associations will be greatly facilitated by making membership compulsory. Paragraph (*e*), by requiring pleaders to subscribe to the local law library, will provide the support for these necessary institutions that they sometimes fail to receive at present.

(Signed) G. CARMICHAEL.

6th April 1920.

By order of His Excellency the Honourable the Governor,

G. DAVIS,
Secretary to the Legislative Council of the
Governor of Bombay.

Bombay, 18th May 1920.

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PART V.

Proceedings of the Council of the Governor of Bombay.

(To be translated into Marathi and Gujarati, and the translations to be published in the " Bombay Government Gazette ". The dates of publication to be reported.)

The following Bill is published under rule 28 (5) of the Rules for the Conduct of Business at Meetings of the Legislative Council of the Governor of Bombay.

BILL No. VII of 1920.

(A Bill further to amend the City of Bombay Improvement Act, 1898, and the City of Bombay Municipal Act, 1888.)

WHEREAS it is expedient further to amend the City of Bombay Improvement Act, 1898, and the City of Bombay Municipal Act, 1888, in manner hereinafter appearing; It is hereby enacted as follows :—

IV of 98.
III of 88.

1. This Act may be called the City of Bombay Improvement and Municipal (Amendment) Act, 1920.

Short title.

2. In sub-section (*1*) of section 32G of the City of Bombay Improvement Act, 1898, for the words and figures " of 28 years " the words and figures " not exceeding 50 years as may be agreed upon by the Board and the employer " shall be substituted.

Amendment of section 32G of Bom. IV of 1898.

Bom. IV of 1898.

3. After section 195 of the City of Bombay Municipal Act, 1888, the following sections shall be inserted, namely :—

New sections 195A and 195B of Bom. III of 1888.

Bom. III of 1888.

" 195A. (*1*) In addition to the town duties referred to in section 192 and

Levy of town duty on raw cotton.

notwithstanding the provisions of section 128 a town duty shall be levied on raw cotton imported into the city, by sea or land, from any part of India, at the rate of one rupee for every bale weighing approximately $3\frac{1}{2}$ cwts.

(2) Notwithstanding the provisions of sections 194A and 195 no such raw cotton intended for immediate exportation shall be exempted from the levy of such duty nor shall such duty be refunded on its export.

Payment of 4/7ths of gross revenue to Government.

195B. On the tenth day of each month the Commissioner shall pay to Government or to an officer designated by Government for this purpose 4/7ths of the gross revenue derived from such duty during the preceding calendar month after deducting the cost of collection of such proportion of such revenue."

STATEMENT OF OBJECTS AND REASONS.

In view of the serious shortage of housing accommodation in the City of Bombay and surrounding neighbourhood, it is proposed to appoint a Development Authority which will co-ordinate the work of and assist the local and public authorities in regard to all matters affecting the development of Bombay and the adjoining areas. In order to provide revenue for the scheme it is proposed by clause 3 of this Bill to amend the City of Bombay Municipal Act, 1888, by the insertion of new sections which will empower the Corporation to levy a town duty on raw cotton imported into the City of Bombay. It is intended that the Corporation should retain a fixed proportion of the duty thus levied and should hand over the balance to Government.

The object of the amendment of the City of Bombay Improvement Act made by clause 2 of this Bill is to encourage employers who wish to construct chawls for their work-people to do so by allowing them to repay the sum expended on such construction in 50 instead of in 28 years.

(Signed) G. S. CURTIS.

By order of His Excellency the Honourable the Governor,

G. DAVIS,
Secretary to the Legislative Council
of the Governor of Bombay.

Bombay, 21st June 1920.

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PART V.

Proceedings of the Council of the Governor of Bombay.

(To be translated into Marathi and Gujarati, and the translations to be published in the "Bombay Government Gazette". The dates of publication to be reported.)

The following Bill is published under rule 28 (5) of the Rules for the Conduct of Business at Meetings of the Legislative Council of the Governor of Bombay.

BILL No. VIII of 1920.

A Bill further to amend the Bombay Town Planning Act, 1915.

WHEREAS it is expedient further to amend the Bombay Town Planning Act, 1915, in manner hereinafter appearing; It is hereby enacted as follows :—

Bom. I of 1915.

1. This Act may be called the Bombay Town Planning (Amendment) Act, 192 .

Short title.

2. After section 45 of the Bombay Town Planning Act, 1915, the following section shall be inserted :—

Bom. I of 1915.

New section 45A.

"45A. When any local authority ceases to exist or ceases to have jurisdiction over any area included in a town planning scheme the property and rights vested in such local authority under this Act shall, subject to all charges and liabilities affecting the same, vest in such other local authority or authorities as the Governor in Council may by notification in the *Bombay Government Gazette* direct and such local authority or each one of such local authorities shall have all the powers under this Act in respect of such scheme or such part of a scheme as comes within its jurisdiction which the local authority ceasing to exist or ceasing to have jurisdiction had."

STATEMENT OF OBJECTS AND REASONS.

The object of the amendment made by this Bill is to enable a local authority or authorities to take over a town planning scheme or part of a town planning scheme initiated by another local authority which has ceased to exist or has ceased to have jurisdiction over any area included in such a scheme.

3rd March 1920. (Signed) G. S. CURTIS.

By order of His Excellency the Honourable the Governor,

G. DAVIS,
Secretary to the Legislative Council of the
Bombay, 25th June 1920. Governor of Bombay.

BOMBAY: PRINTD AT THE GOVERNMENT CENTRAL PRESS.

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Bombay Government Gazette

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MONDAY, 19TH JULY 1920.

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PART V.

Proceedings of the Council of the Governor of Bombay.

(To be translated into Marathi, Gujarati and Kanarese, and the translations to be published in the "Bombay Government Gazette". To be translated also into Sindhi and the translation to be published in the "Sind Official Gazette". The dates of publication to be reported.)

The following Bill is published under rule 28 (5) of the Rules for the Conduct of Business at Meetings of the Legislative Council of the Governor of Bombay.

Bill No. IX of 1920.

A Bill to amend the Bombay Smoke-nuisances Act, 1912.

WHEREAS it is expedient to amend the Bombay Smoke-nuisances Act, 1912, in manner hereinafter appearing; It is hereby enacted as follows :— Bom. VII of 1912.

1. This Act may be called the Bombay Smoke-nuisances (Amendment) Act, 192 . Short title.

2. Clause (*iii*) of the proviso to sub-section (*1*) of section 3 of the Bombay Smoke-nuisances Act, 1912, hereinafter called the said Act, shall be repealed. Amendment of section 3 of Bom. VII of 1912. Bom. VII 1912.

3. In section 11 of the said Act,

(*a*) in sub-section (*1*), the words "with the previous sanction of the Governor-General in Council, and",

and

(*b*) in sub-section (*2*), clause (*g*), shall be repealed. Amendment of section 11 of Bom. VII of 1912.

STATEMENT OF OBJECTS AND REASONS.

The objects of the Bill [which is based on similar legislation in Bengal (*cf.* Bengal Act I of 1916)] are explained in the following notes on clauses:—

Clauses 2 and 3 (b).—Under the existing law—proviso (*iii*) to section 3 (*1*) of the Act and rule 25 of the rules under the Act—no restriction is placed upon the times for which ocean-going steamers may emit smoke exceeding a certain density during the period of 2 hours prior to leaving port or to moving from one part of the port to another. Experience has shown that this concession is not necessary and that it is possible to regulate by rule the times during which smoke exceeding a certain density may be emitted on such occasions. The rule which it is proposed to issue is as follows:—

> "The furnaces of the main boilers of ocean-going steamers when raising steam prior to leaving port or to moving from one part to another thereof shall be allowed, for half-an-hour before moving and for one hour after moving, twice the times prescribed in the table in rule 23. Tugs while actually towing or assisting in the transportation of ocean-going steamers within the limits of the port shall also be allowed twice the times prescribed in the said table."

Clause 3 (a).—It is considered that the rule making power may be vested in the Local Government.

26th March 1920. (Signed) IBRAHIM RAHIMTOOLA.

By order of His Excellency the Honourable the Governor,

G. DAVIS,
Secretary to the Legislative Council
of the Governor of Bombay.

Bombay, 19th July 1920.

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THURSDAY, 22ND JULY 1920.

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PART V.

Proceedings of the Council of the Governor of Bombay.

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The following Bill is published under rule 28 (5) of the Rules for the Conduct of Business at Meetings of the Legislative Council of the Governor of Bombay.

BILL No. X of 1920.

A Bill further to amend the Bombay District Police Act, 1890.

WHEREAS it is expedient further to amend the Bombay District Police Act, 1890, in manner hereinafter appearing; It is hereby enacted as follows:— Bom. IV of 1890.

1. This Act may be called the Bombay District Police (Amendment) Act, 192 . Short title.

2. In clause (*a*) of section 3 of the Bombay District Police Act, 1890, hereinafter called the said Act, after the words "District Superintendent" the words "Additional Superintendent" and after the words "District Superintendent of Police" the words "an Additional Superintendent of Police" shall be inserted. Amendment of section 3 of Bom. IV of 1890. Bom. IV of 1890.

3. In section 6 of the said Act, (*a*) after the word "Superintendent" the words Amendment of section 6 of Bom. IV of 1890.

"an Additional Superintendent" shall be inserted; and

(*b*) the following paragraph shall be added, namely:—

"An additional Superintendent of Police may, by a general or special order of Government, be empowered to exercise and perform in the district for which he is appointed or in any part thereof, all or any of the powers and duties under this Act of a Superintendent of Police."

4. After clause (*s*) of section 61 of the said Act, the following clause shall be inserted, namely:—

Amendment of section 61 of Bom. IV of 1890.

"(*t*) smokes or spits in any building belonging to Government or appropriated to public purposes in contravention of a notice affixed to such building by order of the Magistrate of the District;"

Smoking or spitting in public buildings.

STATEMENT OF OBJECTS AND REASONS.

Clauses 2 and 3.—Under sections 3 (*d*) and 6 only one Superintendent of Police can be appointed in each district. The rapid growth of certain mofussil cities necessitates the separate appointment of Superintendents for such areas for the adequate supervision of police administration and the amendments allow of the appointment of Additional Superintendents who may perform the duties of Superintendents in such areas.

Clause 4.—The object of this amendment is to prevent smoking and spitting in public buildings. As the law stands at present there are no means of enforcing an order prohibiting these nuisances.

(Signed) GEORGE CARMICHAEL.

By order of His Excellency the Honourable the Governor,

G. DAVIS,
Secretary to the Legislative Council
of the Governor of Bombay.

Bombay, 22nd July 1920.

(To be translated into Marathi and Gujarati and the translations to be published in the "Bombay Government Gazette". To be translated also into Sindhi and the translation to be published in the "Sind Official Gazette". The dates of publication to be reported.)

The following Bill is published under rule 28 (5) of the Rules for the Conduct of Business at Meetings of the Legislative Council of the Governor of Bombay :—

BILL No. XI of 1920.

A Bill further to amend the Bombay Rent (War Restrictions) Act, 1918, and to amend the Bombay Rent (War Restrictions, No. 2) Act, 1918.

WHEREAS it is expedient further to amend the Bombay Rent (War Restrictions) Act, 1918, and to amend the Bombay Rent (War Restrictions, No. 2) Act, 1918, in manner hereinafter appearing; It is hereby enacted as follows:—

Bom. II of 1918.

Bom. VII of 1918.

1. This Act may be called the Bombay Rent (War Restrictions) Amendment Act, 192 .

Short title.

2. After section 10 of the Bombay Rent (War Restrictions) Act, 1918, the following section shall be inserted:—

Bom. II of 1918.

New section 10A of Bom. II of 1918.

"10A. When any order for the recovery of possession of any premises has been made under sub-section (2) of section 9 on the ground that the premises are reasonably and *bona fide* required by the landlord either for the erection of buildings or for his own occupation or for the occupation of any person for whose benefit the premises are held and the premises are not used for the erection of buildings or occupied by the aforesaid persons within six months of the order or are relet within the same period to any person other than the original tenant, the court by which the

Consequences of non-user or non-occupation of premises of which possession has been restored to landlord.

order was made may on the application of the original tenant place him in occupation of the premises on the original terms and conditions and direct payment to him by the landlord of such compensation as the court may think fit."

Amendment of section 16 of Bom. VII of 1918.

3. In section 16 of the Bombay Rent (War Restrictions, No. 2) Act, 1918, Bom. VII of 1918. hereinafter called the said act, for the words "swear or affirm whether the standard rent has or has not been fixed under this act and, if he swears or affirms that the standard rent has been so fixed, unless he produces a copy of an order in that behalf in force whether under any rule made under section 2 of the Defence of India (Criminal Law Amendment) Act, 1915, or under this act." IV of 1915. the following words shall be substituted :—

"produce a copy of an order in force, whether under any rule made under section 2 of the Defence of India (Criminal Law Amendment) IV of 1915. Act, 1915, or under this act, determining that the premises are not small premises or fixing their standard rent."

Amendment of sub-section (1) of section 17 of Bom. VII of 1918.

4. In sub-section (1) of section 17 of the said act for the words "state in the plaint whether the standard rent has or has not been fixed under this act, and if he states that it has been so fixed he shall annex to the plaint a copy of the order in that behalf in force whether under any rule made under section 2 of the Defence of India (Criminal Law Amendment) IV of 191. Act, 1915, or under this act." the following words shall be substituted :—

"annex to the plaint a copy of an order in force, whether under any rule made under section 2 of the Defence of India (Criminal Law IV of 191 Amendment) Act, 1915, or under this act, determining that the premises are not small premises or fixing their standard rent."

STATEMENT OF OBJECTS AND REASONS.

The object of the amendment made by clause 2 of this Bill is to prevent a landlord from recovering possession of any premises on the false plea that the premises are reasonably and *bona fide* required for the erection of buildings or for his own occupation or the occupation of any person for whose benefit the premises are held.

2. The object of the amendments made by clauses 3 and 4 is to provide that no distress warrant shall be issued in the case of premises of which the monthly rent does not exceed Rs. 30 and that no suit shall be entertained in the case of any premises unless the applicant or the plaintiff, as the case may be, produces an order which will show their standard rent or that they are not small premises.

(Signed) G. S. CURTIS.

3rd April 1920.

By order of His Excellency the Honourable the Governor,

G. DAVIS,
Secretary to the Legislative Council
of the Governor of Bombay.

Bombay, 22nd July 1920.

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PART V.

Proceedings of the Council of the Governor of Bombay.

The following Bill is published under rule 28 (5) of the Rules for the Conduct of Business at Meetings of the Legislative Council of the Governor of Bombay :—

Bill No. XII of 1920.

A Bill further to amend the Bombay Port Trust Act, 1879.

WHEREAS it is expedient further to amend the Bombay Port Trust Act, 1879, in manner hereinafter appearing; It is hereby enacted as follows :—

Bom. VI of 1879.

1. This Act may be called the Bombay Port Trust (Amendment) Act, 192 .

Short title.

2. In the proviso to section 21 of the Bombay Port Trust Act, 1879, hereinafter called the said Act—

Amendment of section 21.

Bom. VI of 1879.

(*a*) in clause (*a*) the word " and " shall be repealed; and

(*b*) after clause (*a*) the following clause shall be inserted, namely :—

"(*aa*) persons employed in any building constructed by the Board under the authority contained in section 68 (*7A*); and"

3. After sub-section (*7*) of section 68 of the said Act, the following sub-section shall be inserted, namely :—

Amendment of section 68.

"(*7A*) The construction upon the property vested in the Board and the equipment, maintenance and management of such buildings, including hotels, as may, in the opinion of the Board, add to or improve the facilities of the port."

STATEMENT OF OBJECTS AND REASONS.

The object of these amendments is to empower the Trustees of the Port of Bombay to erect and manage hotels for the convenience of ocean-going travellers, thus increasing the facilities of the Port.

(Signed) G. S. CURTIS.

12th July 1920.

By order of His Excellency the Honourable the Governor,

G. DAVIS,
Secretary to the Legislative Council
of the Governor of Bombay.

Bombay, 23rd July 1920.

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PART V.

Proceedings of the Council of the Governor of Bombay.

The following papers which were placed on the Council Table at the meeting of the Legislative Council of the Governor of Bombay held on the 2nd August 1920 are published for general information :—

LIST OF BUSINESS TO BE BROUGHT FORWARD AT A MEETING OF THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF BOMBAY TO BE HELD IN THE COUNCIL HALL, POONA, ON MONDAY, THE 2ND AUGUST 1920, AT 12 NOON.

I.—NEW MEMBERS—

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

II.—QUESTIONS AND ANSWERS—

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

III.—PRESENTATION OF THE BUDGET OF THE GOVERNMENT OF BOMBAY FOR THE YEAR 1920-21 AND DISCUSSION THEREON.

IV.—BILLS—

1. A Bill further to amend the City of Bombay Improvement Act, 1898, and the City of Bombay Municipal Act, 1888 (Bill No. VII of 1920).—*First Reading.*

2. A Bill to amend the law relating to the duty payable on tobacco and to the import, transport, retail sale and warehousing thereof in the City of Bombay (Bill No. IV of 1919).—*Second Reading.* (For amendments, see head V below.)

3. A Bill to provide for the constitution of Village Panchayats (Bill No. XI of 1919).—*Second Reading.* (For amendments, see head V below.)

Notice has been received of the following motion from the Honourable Sardar Dulabawa Raisingji, Thakor of Kerwada :—

"That the consideration of the Village Panchayat Bill be postponed till the meeting of the Reformed Council."

LIST OF BUSINESS.

[2ND AUGUST 1920.]

4. A Bill to provide for the extension of primary education in the City of Bombay (Bill No. IV of 1920).—*First Reading.*

5. A Bill to amend the Bombay Town Planning Act, 1915 (Bill No. V of 1920).—*First Reading.*

6. A Bill to consolidate and amend the law relating to pleaders in the Presidency of Bombay (Bill No. VI of 1920).—*First Reading.*

7. A Bill further to amend the Bombay Town Planning Act, 1915 (Bill No. VIII of 1920).—*First Reading.*

8. A Bill to amend the Bombay Smoke-nuisances Act, 1912 (Bill No. IX of 1920).—*First, Second and Third Readings.*

9. A Bill further to amend the Bombay District Police Act, 1890 (Bill No. X of 1920).—*First, Second and Third Readings.*

10. A Bill further to amend the Bombay Rent (War Restrictions) Act, 1918, and to amend the Bombay Rent (War Restrictions, No. 2) Act, 1918 (Bill No. XI of 1920).—*First, Second and Third Readings.*

11. A Bill further to amend the Bombay Port Trust Act, 1879 (Bill No. XII of 1920).—*First, Second and Third Readings.* (For amendments, see head V below.)

V.—AMENDMENTS TO BILLS—

Notice has been received of the following :—

1. Bill No. IV of 1919 (A Bill to amend the law relating to the duty payable on tobacco and to the import, transport, retail sale and warehousing thereof in the City of Bombay) as amended by the Select Committee.

From the Honourable Mr. S. B. Upasani.

1. *Clause 3.*—In lines 5, 6 and 7, omit the words "the rate of seven rupees and eight annas a maund" and substitute the following for them, *viz.*, "at such rate not exceeding 10 per cent. *ad valorem* as may be fixed by the Governor in Council from time to time."

2. *Clause 3.*—In lines 12, 13 and 14, restore the words "and any rate so fixed shall be notified in the *Bombay Government Gazette.*"

3. *Clause 18 (b).*—In the last line, omit the words "arrest him" and substitute for them the following, *viz.*, "seize it and take proceedings against him."

4. *Clause 21.*—Omit.

2. Bill No. XI of 1919 (a Bill to provide for the constitution of village panchayats) as amended by the Select Committee.

Clause 1.—

(1) *From the Honourable Sardar Dulabawa Raisingji, Thakor of Kerwada.*

To sub-clause 2 the following words shall be added, namely :—

"but not to any village therein in which one-half or more of the land is held on Talukdari, Inami or Khoti tenure."

(2) *From the Honourable Mr. G. K. Parekh, LL.B.*

At the end of sub-clause 2, *substitute* a comma for the full stop and *add* the following :—

"but it does not apply to alienated villages or to villages held on Talukdari or Khoti tenures."

Clause 2 (a).—

(3) *From the Honourable Mr. S. B. Upasani.*

After the word "area" in line two add "with a population exceeding one thousand which is not constituted a municipal or notified area and any local area with a population of less than one thousand which may be".

Clause 5.—

(4) *From the Honourable Rao Saheb Harilal Desaibhai Desai, LL.B.*

Substitute the following for the present clause :—

"The Panchayat shall be wholly elected."

(5) *From the Honourable Rao Bahadur S. D. Garud.*

Omit paragraphs 1 and 2 and the words "save as aforesaid" at the beginning of paragraph 3.

LIST OF BUSINESS.

[2ND AUGUST 1920.]

(6) *From the Honourable Sardar Dulabawa Raisingji, Thakor of Kerwada.*

Between the first and second paragraphs the following proviso shall be inserted, namely :—

"provided that in any village in which one-half or more of the land is held on Talukdari, Inami or Khoti tenure, the senior Talukdar, senior Inamdar, or the Managing Khot, as the case may be, or a person resident in any such village and nominated for the purpose by any such Talukdar, Inamdar or Khot as his deputy shall be *ex-officio* a member of the panchayat in place of the patel."

Clause 6.—

(7) *From the Honourable Rao Saheb Harilal Desaibhai Desai, LL.B.*

Omit sub-clause (*a*) and re-letter the other sub-clauses.

(8) *From the Honourable Rao Bahadur S. D. Garud.*

Omit sub-clause (*a*).

(9) *From the Honourable Mr. G. K. Parekh, LL.B.*

(1) *Drop* the 5th line "(*a*) is a female or "

and *substitute* for the letters (*b*), (*c*) and (*d*) at the commencement of subsequent sub-clauses, (*a*), (*b*) and (*c*) respectively.

(2) *Drop* sub-clause (*e*) and *substitute* for the letters (*f*), (*g*) and (*h*) at the commencement of subsequent sub-clauses, letters (*d*), (*e*) and (*f*) respectively.

Clause 7.—

(10) *From the Honourable Mr. G. K. Parekh, LL.B.*

From line 6, *delete* the word "male".

(11) *From the Honourable Rao Bahadur S. D. Garud.*

Omit the word "male" in line 6.

(12) *From the Honourable Rao Saheb Harilal Desaibhai Desai, LL.B.*

Insert the following words after the word "residents" in the clause :—

"and by every adult female resident who either holds immovable property in her own right or has passed the vernacular fourth standard."

Clause 12 (1).—

(13) *From the Honourable Mr. B. S. Kamat.*

After the words "one of themselves" *insert* the words "excepting the *ex-officio* member."

Clause 15.—

(14) *From the Honourable Rao Saheb Harilal Desaibhai Desai, LL.B.*

Omit the following words in lines 11 and 12 :—

"unless he be an *ex-officio* member of the panchayat".

Clause 18 (1) (c).—

(15) *From the Honourable Mr. B. S. Kamat.*

In the third line *omit* the words "and bridges"; also in line 7, *omit* the words "or bridge".

Make the consequential change by inserting "and" after the word "roads" in line 2.

Clause 18 (1) (f).—

(16) *From the Honourable Mr. G. K. Parekh, LL.B.*

In sub-clause (*1*) (*f*) *add* before the words "grazing lands" the word "village".

Clause 20.—

(17) *From the Honourable Rao Saheb Harilal Desaibhai Desai, LL.B.*

In sub-clause (*d*), *omit* the word "administrative" occurring before the word "duties" and *add* the words "and functions" after the word "duties".

Clause 21.—

(18) *From the Honourable Sir Ibrahim Rahimtoola, Kt., C.I.E.*

In sub-clause (*1*), the following words shall be deleted :—

(*a*) "the Governor in Council or"
(*b*) "Government or"
(*c*) "respectively".

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Clause 23.—

(19) *From the Honourable Mr. G. K. Parekh, LL.B.*

In line 10 *add* the words "a written" before the word "order".

Clause 25 (h).—

(20) *From the Honourable Rao Bahadur S. D. Garud.*

Add the following at the commencement of the sub-clause:

"one anna in the rupee of the land revenue of the Panchayat village, and".

(21) *From the Honourable Rao Saheb Harilal Desaibhai Desai, LL.B.*

(a) *Add* the following as sub-clause (*i*):—

"(*i*) The proceeds of such incomes as may be assigned to the village fund by any general or special order of the Governor in Council."

(b) *Add* the following as sub-clause (*j*):—

"(*j*) the incomes of any property vesting in the panchayat under clause 21".

Clause 26.—

(22) *From the Honourable Rao Saheb Harilal Desaibhai Desai, LL.B.*

Add the following words at the end of the clause:—

"unless the Governor in Council directs otherwise."

(23) *From the Honourable Mr. G. K. Parekh, LL.B.*

(1) Between the figure "26" and the word "In" *add* the figure "(*1*)".

(2) After clause 26, sub-clause (*1*) *add* the following:—

"(*2*) In alienated villages or villages held on Talukdari or Khoti tenures in which the holder of the village owns the houses, the house-tax shall be leviable from the occupiers thereof and not the owners."

Clause 27.—

(24) *From the Honourable Mr. G. K. Parekh, LL.B.*

(1) After the word "village" in the 8th line *add* the following:—

"But in alienated villages or villages held on Talukdari or Khoti tenures in which the holder of the village himself owns houses and lands of the village as landlord, the tax on houses or lands shall be leviable from the occupiers of the same."

(2) The second sub-clause be deleted.

Clause 34.—

(25) *From the Honourable Mr. G. K. Parekh, LL.B.*

At the end of sub-clause (*1*) *add* the following:—

"But the District Local Boards shall not direct the panchayats to pay any sum larger than is available to the panchayats at the time of the order either as cash or deposit in the treasury in which the funds of the panchayats are lodged or both taken together."

Clause 36 (1).—

(26) *From the Honourable Rao Saheb Harilal Desaibhai Desai, LL.B.*

Insert the following between the words "Government Gazette" and "supersede" in line 10, *viz.*—

"in the first instance dissolve the panchayat and order a re-election thereof, and if the panchayat so re-elected is found equally remiss or refractory may".

Clause 36 (2).—

(27) *From the Honourable Rao Saheb Harilal Desaibhai Desai, LL.B.*

(a) *Insert* the words "dissolved or" before the word "superseded" in sub-clause 2 of the clause.

(b) *Insert* the words "dissolution or" before the word "supersession" in line 21 of sub-clause *2* (*b*) of the clause.

Clause 40.—

(28) *From the Honourable Mr. G. K. Parekh, LL.B.*

In line 7 *substitute* for the words "a third class" the word "any".

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Clause 44.—

(29) *From the Honourable Sir Ibrahim Rahimtoola, Kt., C.I.E.*

The proviso shall be deleted.

3. Bill No. XII of 1920 (A Bill further to amend the Bombay Port Trust Act, 1879).

From the Honourable Mr. G. S. Curtis, C.S.I., I.C.S.

1. For *clause* 2 substitute the following:—

2. In the proviso to section 21 of the Bombay Port Trust Act, 1879, hereinafter called the said Act, after the word "labourers" where it occurs for the second time, the following words shall be inserted, namely:—

"and any persons employed in any capacity in any hotel constructed by the Board under the authority contained in section 68 (7*A*)".

VI.—DISCUSSION OF MATTERS OF GENERAL PUBLIC INTEREST—

Resolutions by the Honourable Mr. R. P. Paranjpye.

1. "This Council recommends that Government be pleased to open a new Medical College at Poona in June 1921."

2. "This Council recommends that the new revenue settlement of the Erandol Táluka as recommended by the settlement officer be not sanctioned."

Resolutions by the Honourable Mr. D. V. Belvi, LL.B.

3. "This Council recommends to His Excellency the Governor in Council to be pleased to take such steps, legislative or otherwise, as will prevent the slaughter of agricultural and milch cattle beyond a prescribed minimum in the Presidency of Bombay including the Province of Sind."

4. "This Council recommends to His Excellency the Governor in Council to be pleased to direct that at least 15 per cent. of the scholarships available in each Government educational institution be reserved for pupils from the untouchable classes in the Bombay Presidency."

5. "This Council recommends to His Excellency the Governor in Council to be pleased to direct that at least 5 per cent. of posts carrying a monthly salary of not more than Rs. 400 in each department of civil administration in the Presidency of Bombay including Sind be reserved for qualified candidates from the untouchable classes."

Resolution by the Honourable Mr. G. K. Parekh, LL.B.

6. "This Council recommends that the Governor in Council be pleased to remit the collection from the Bania and Patidar inhabitants of Nadiad of the cost of the additional Police stationed at Nadiad between August 1919 and February 1920, and the damages sustained by the B. B. & C. I. Railway by the removal of the rails and the cutting of the telegraph wires on the night of the 11th of April 1919."

Resolutions by the Honourable Dewan Bahadur K. R. Godbole.

7. "This Council recommends to His Excellency the Governor in Council that legislation should be adopted in this Presidency towards checking the excessive subdivision of agricultural lands that is taking place."

8. "This Council recommends to His Excellency the Governor in Council that in granting concessions for new Hydro-electric Schemes in this Presidency in future, involving the acquisition by Government of 1,000 acres and above of agricultural lands, the following conditions should be made:—

(*a*) that all excess profits after paying 10 per cent. dividends to shareholders, should be divided between the Company using the concession and Government, half and half.

(*b*) that one-fourth of the power generated should be reserved for the production of nitrate fertilisers from the atmosphere or driving agricultural machinery, if such use of the power is financially practicable according to expert advice received by Government."

9. "This Council recommends to His Excellency the Governor in Council that when land has to be acquired for commercial companies in future for cultivation purposes, it should, as far as practicable, be leased from landholders and not acquired outright."

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Resolution by the Honourable Mr. Harchandrai Vishindas, C.I.E., LL.B.

10. "That this Council recommends to His Excellency the Governor in Council, that a department be created, whose duty will be to see to the maintenance, renewal and repairs of old and construction of new roads and communications, in both urban and rural areas of the Presidency including Sind, the expenditure of such works to be met from the resources of authorities respectively responsible for the same."

Resolution by the Honourable Mr. Phiroze C. Sethna, O.B.E.

11. "This Council recommends to His Excellency the Governor in Council to suggest to the Government of India that in the next Census returns in the Table known as 'Occupation or Means of living (unproductive)' beggars be shown separately and not be included as at present under the heading 'Beggars, prostitutes, receivers of stolen goods, cattle poisoners'."

Resolution by the Honourable Mr. C. V. Mehta, LL.B.

12. "This Council recommends to His Excellency the Governor in Council that the transfer of the Bombay Improvement Trust to the Bombay Municipal Corporation be completed without delay."

Resolutions by the Honourable Mr. Munmohundass Ramji.

13. "This Council recommends to His Excellency the Governor in Council to take steps to prohibit the slaughter of young and useful milch and agricultural cattle in the Presidency with a view to save a useful economic and agricultural asset of the Presidency."

14. "This Council recommends to His Excellency the Governor in Council to move the Government of India to take necessary steps for the prohibition of the export of useful milch and agricultural cattle."

Resolution by the Honourable Mr. Phiroze C. Sethna, O.B.E.

15. "This Council recommends to His Excellency the Governor in Council the desirability (*a*) of amending Bombay Act II of 1918 and Bombay Act VII of 1918 in the light of the experience gained by the working of the said Acts so far, or (*b*) of appointing a Committee to recommend to Government what amendments should be made in these Acts."

Resolutions by the Honourable Mr. S. B. Upasani.

16. "This Council recommends to His Excellency the Governor in Council that appointments to Mamlatdars' posts be made by direct recruitment from graduates and not from members of the subordinate revenue service."

17. "This Council recommends to His Excellency the Governor in Council that the appointments of Mamlatdars and their promotions be made by Government and not by the Commissioners."

18. "This Council recommends to His Excellency the Governor in Council that the fees at present charged to law class students be reduced by one-half."

19. "This Council recommends to His Excellency the Governor in Council that Government be pleased to share two-thirds of the expenditure incurred by Municipalities on education."

Resolutions by the Honourable Rao Bahadur S. D. Garud.

20. "This Council recommends to His Excellency the Governor in Council that a Committee be appointed to consider the question of the revision of pre-war pensions of the retired members of the provincial and subordinate services."

21. "This Council recommends to His Excellency the Governor in Council that the pay of vernacular teachers be revised on the lines adopted by Government for the revision of pay of the clerical establishments in other departments."

22. "This Council recommends to His Excellency the Governor in Council that a Committee be appointed to consider the question of readjusting the existing division of Khandesh for revenue and judicial purposes."

Resolutions by the Honourable Mr. B. S. Kamat.

23. "This Council recommends to the Governor in Council that in the interest of temperance reform, Government may be pleased (*a*) to try as an experimental measure

LIST OF BUSINESS.

[2ND AUGUST 1920.]

in a suitable area, preferably in Bombay City, a system of State management for the sale of country liquor, (*b*) to constitute a Board of Liquor Control composed of officials and non-officials in the selected area, (*c*) to control the sale price of liquor, and (*d*) to improve the internal arrangements in public houses by providing on the premises counter-attractions such as non-alcoholic refreshments."

24. "This Council recommends to the Governor in Council that Government may be pleased to direct—

(*a*) that all pupils belonging to the Depressed Classes studying in Local Board Primary Schools up to the vernacular fourth standard be supplied free with school books, slates and pencils, and

(*b*) that all pupils belonging to the Depressed Classes studying in Secondary schools or colleges, whether Government or Aided, be exempted from fees."

25. "This Council recommends to the Governor in Council that Government may be pleased to take steps, (*a*) to provide for the benefit of Primary School Teachers a Provident Fund, (*b*) to fix a scale of contributions thereto, and (*c*) to allow the teachers an option, either to avail themselves of the Provident Fund or the existing pension system."

26. "This Council recommends to the Governor in Council that Government may be pleased to direct that the boys of Primary School Teachers studying in Municipal or Local Board Primary Schools, so also boys and girls of these teachers studying in Secondary Schools and Colleges, whether Government or Aided, be exempted from the payment of fees."

27. "This Council recommends to the Governor in Council that Government may be pleased to direct that all country liquor shops be closed on Sundays."

VII.—PAPERS PRESENTED TO THE COUNCIL—

1. Letters from the Government of India, Legislative Department, Nos. 1573 and 1586, dated 10th, 1591, dated 11th, 1619 and 1621, dated 12th, 1643 and 1667, dated 13th May 1920—Returning with the assent of His Excellency the Viceroy and Governor-General signified thereon the authentic copies of the following Acts:—

1. The Bombay Land Revenue Code (Amendment) Law, 1920.
2. The Bombay District Municipal (Amendment) Law, 1920.
3. The Bombay Cotton Contracts Control (War Provisions) Amendment Law 1920.
4. The Bombay Disqualification of Aliens (Amendment) Law, 1920.
5. The Bombay Municipal (Amendment) Law, 1920.
6. The Bombay Public Conveyances Law, 1920.
7. The City of Bombay Police (Amendment) Law, 1920.

2. Petition dated 16th May 1920, from Mr. Bapoojee C. Mody, Inamdar of Ralej, district Kaira, in connection with Bill No. XI of 1919 (A Bill to provide for the constitution of village panchayats).

3. Memorial, dated 26th June 1920, from Chudasama Takhatsangji Narsangji and 18 other Talukdars of Moze Tagdi, taluka Dhandhuka, district Ahmedabad, in connection with Bill No. XI of 1919 (A Bill to provide for the constitution of village panchayats).

4. Memorial dated 22nd July 1920 from the Honorary Secretaries, Belgaum Bar Association, in connection with Bill No. VI of 1920 (A Bill to consolidate and amend the law relating to pleaders in the Presidency of Bombay).

5. Memorandum No. 5824 dated 27th July 1920 from the Political Department forwarding a copy of the correspondence between the Government of India and the Secretary of State in connection with the Resolutions passed by the Bombay Legislative Council on the subject of the Royal Proclamation of the 23rd December 1919.

6. Letter dated 20th July 1920 from the Honorary Secretary, Pleaders Association of Western India, in connection with Bill No. VI of 1920 (A Bill to consolidate and amend the law relating to pleaders in the presidency of Bombay).

Note.—The following petition in connection with Bill No. XI of 1919 (A Bill to provide for the constitution of village panchayats) as amended by the Select Committee was not considered of sufficient importance to print, but the original has been placed upon the Council Table and is available to the Honourable Members :—

Letter from Sardar J. V. Pathakji, Inamdar of Mota Varacha, district Surat, dated 14th May 1920.

G. DAVIS,
Secretary to the Legislative Council
of the Governor of Bombay.

Bombay, 31st July 1920.

LEGISLATIVE COUNCIL, 2nd August 1920.

LIST OF QUESTIONS AND ANSWERS.

THE HONOURABLE MR. D. V. BELVI.

Questions.

Answers.

1. (*a*) Will Government be pleased to state the considerations which have weighed with them in allowing previous services to count towards the rates of pay under the incremental system of salaries in the clerical establishment in the Forest and Police Departments while disallowing the same concession to the Sanitary Department?

Sanitary Department: Salaries.

1. (*a*) The question of extending to the Sanitary Department the concession referred to by the Honourable Member is at present under the consideration of Government.

(*b*) Will Government be pleased to state the names of all the Departments to which the concession is extended and to which it is denied at present?

(*b*) The concession has also been allowed in the case of the clerks of the Medical Department, it has not been extended to other Departments.

(*c*) Will Government be pleased to place on the table copies of Government Resolutions or Orders on the point in force at present in the case of each Department?

(*c*) Government regret that they are unable to comply with the request of the Honourable Member.

[*This question was asked at the meeting held on the 10th December 1919, when an* ad interim *reply was given.*]

2. (*a*) Will Government be pleased to state in the case of each District in the Presidency of Bombay except the Province of Sind the names of the villages in which "Jagir-lands not under the General Regulations" within the meaning of section 6 of Bombay Act No. III of 1869 are exempted from the payment of local cess of one anna on every rupee of Land Revenue or Sayar Revenue?

Jagir lands: exemptions from local cess.

(*b*) What will be the total amount of money leviable each year in the absence of such exemption?

[*This question was asked at the meeting held on the 13th March 1920, when an* ad interim *reply was given.*]

2.

District and Taluka.	Village.	Amount of cess leviable in absence of exemption.
		Rs. a. p.
Surat—		
Chorasi ...	Athwa	9 15 0
	Katargam	
Poona—		
Purandhar ...	Not included in any village but classed as "Extra Territorial."	403 14 6
Haveli ...		15 15 6
Sholapur—		
Karmala ...	Chikalthan	2 4 0
Satara—		
Karad ...	Shiravde	16 13 3
Koregaon ...	Kinhai	122 11 4
Belgaum—		
Athni ...	Ganeshwadi	53 8 0
	Dukarwadi	3 8 6
	Honkal	3 3 3
	Kawale	1 12 0
	Malwad	5 6 6
	Mudewadi	0 15 0
	Nagurde	1 1 0
Khanapur ...	Asoge	3 5 0

3. (*a*) Will Government be pleased to state if there are any scholarships or free studentships exclusively reserved for pupils from 'the untouchable classes' in Government secondary schools or Government colleges in the Bombay

Government Educational institutions: Scholarships for "untouchables".

3. (*a*) and (*b*) Four scholarships are reserved for students of the depressed classes which include 'untouchables', born or domiciled in the Bombay Presidency, including the Province of Sind, in the Colleges of Medicine, Engineering and Commerce affiliated to the Bombay University (*vide* Government Notifica-

QUESTIONS AND ANSWERS.

[2ND AUGUST 1920.] [*Mr. D. V. Belvi.*]

Questions.	*Answers.*
Presidency including the Province of Sind; (*b*) If so, how many and in which institutions?	tion, Educational Department, No. 149 of 13th January 1920). These colleges are all Government institutions. Also one Middle School scholarship is reserved for boys of the depressed classes in each district of the Presidency proper: these scholarships are not restricted to Government secondary schools. There are no scholarships or free studentships reserved for 'untouchables' only.
4. What is the total number of pupils from "the untouchable classes" at present studying in the Presidency in Government and aided (*a*) secondary schools, (*b*) professional colleges, (*c*) arts colleges, (*d*) medical schools, arts schools and technical and industrial schools? Government educational institutions: attendance of "untouchables".	4. The accompanying statement* gives the information required by the Honourable Member. * *Vide* Appendix A.
5. (*a*) Is it a fact that both the Civil and the Criminal Circular Orders of the High Court of Bombay have been out of print for some years? Criminal and Civil High Court Circulars, Bombay.	5. (*a*) The sale of copies of the Manual of the High Court Civil Circulars was stopped on the 12th November 1915 owing to shortness of stock. The printing of a fresh edition was postponed for the sake of economy during the war. The Manual of the High Court Criminal Circulars is still on sale to the public.
(*b*) If so, when may the public expect to have a new and revised edition of them?	(*b*) It is proposed to reprint a revised edition of the Manual of the High Court Civil Circulars during the current year.
6. Will Government be pleased to state— (*a*) the total number of students of the Bombay Veterinary College who volunteered to go on military duty and who went overseas during the last great war and who have since entered the Civil Veterinary Department; Bombay Veterinary College Students and War service.	6. (*a*) The total number of students who volunteered and went on military duty as veterinary dressers was 12. Of these, two joined the Civil Veterinary Department.
(*b*) the total number of such students as were specially rewarded for their services in war?	(*b*) No student was specially rewarded.
7. (*a*) Is it a fact that the Commissioner, Southern Division, has recently issued a circular to the Collectors in the Division, about an admixture of castes among candiates for Mamlat? Appointment to Mamlat: Southern Division.	7. (*a*) Yes.
(*b*) If so, will Government be pleased to lay a copy of the circular on the Council table?	(*b*) A copy† is laid on the table. † *Vide* Appendix B.
(*c*) Is it true that a copy of the said circular has been sent to Rao Bahadur R. C. Artal, a retired Deputy Collector, with a request to recommend Lingayat candidates for Mamlat?	(*c*) A copy was sent to Rao Bahadur R. C. Artal as the principal member of the Lingayat Association residing in Belgaum in accordance with Government Resolution, General Department, No. 625 of 23rd January 1914, a copy‡ of which is laid on the table. ‡ *Vide* Appendix C.

QUESTIONS AND ANSWERS.

[*Mr. D. V. Belvi.*] [2ND AUGUST 1920.]

Questions.

(*d*) Have any appointments of Mamlatdars been made recently by the Commissoner, Southern Division, in the Belgaum District in accordance with the principle of the aforesaid circular superseding the claims of several duly qualified and competent senior candidates for Mamlat?

(*e*) Was the circular issued by the Commissioner, Southern Division, with the approval of Government?

8. (*a*) Will Government be pleased to state what amounts of Wharfage fees, at one anna per passenger, have been realised till now at each of the ports touched by the Killick Nixon Company's Steamers sailing from Bombay to Mangalore?

Wharfage fees and convenience of passengers, Bombay—Mangalore.

(*b*) Are there any schemes under the consideration of Government for the convenience of passengers?

(*c*) If so, when are they likely to be materialised?

9. (*a*) Will Government be pleased to place on the table a statement in a tabular form, giving the cultivated area, the anna valuation of crops, the amount of remission and suspension of revenue, the total amount of annual assessment, the number of cattle, and the general agricultural condition of the Haliyal Taluka of the Kanara Collectorate, for each year from 1916 to date?

Taluka Haliyal, district Kanara.

10. Is there any reserved forest consisting of Casurina trees in the Karwar town?

Reserved forest, Karwar town.

[*These questions were asked at the meeting held on the 13th March 1920, when ad interim replies were given.*]

Answers.

(*d*) Appointments of Mamlatdars are made by selection in consideration of merit, seniority and public expediency, and acting appointments have been made in pursuance of the policy underlying this circular.

(*e*) Government approve of the circular.

8. (*a*) Statement A* showing separately the collections from passengers by (i) steamers of the Bombay Steam Navigation Company and of the Indian Co-operative Navigation and Trading Company and (ii) country craft in respect of each port between Bombay and Bhatkal including the ports across the Bombay harbour for the years 1917-18 and 1918-19 is appended. Separate figures of collections for each port for 1919-20 are not available at present, but the total realisations from April 1919 to February 1920 amounted to Rs. 76,228.

* *Vide* Appendix D.

(*b*) and (*c*) In addition to the works carried out in 1918-19 (Statement B†) and those for the year 1919-20 (Statement C†), it is proposed to connect the more important coastal ports with the telegraph system, but the requirements of the army on the Frontier and other more urgent construction have prevented the Telegraph Department from taking the work up at present.

Plans and estimates of a landing place at Dabhol are ready and those for one at Jaigad Bandar under preparation.

The invested balance of the fund is not yet enough for any large works to be taken in hand.

† *Vide* Appendices E and F.

9. (*a*) A statement‡ giving the information asked for is appended.

‡ *Vide* Appendix G.

10. Yes.

QUESTIONS AND ANSWERS.

[2ND AUGUST 1920.]

Questions.

11. (*a*) Will Government be pleased to state if their attention has been drawn to a letter from Moulvi Abdul Khalik, Secretary, Khilafat Committee, Jacobabad, published in the issue of the "Bharatvasi" newspaper dated the 15th May 1920?

A letter in the "Bharatvasi" newspaper dated the 15th May 1920.

(*b*) If so, has any enquiry been instituted into the allegations made in the letter?

(*c*) Are the allegations made true?

(*d*) If not, what are the real facts of the case?

[*Mr. D. V. Belvi.*]

Answers.

11. (*a*) The attention of Government was drawn to a similar letter published in the "Al Wahid" newspaper dated the 13th May.

(*b*) Yes.

(*c*) and (*d*) Rasul Bakhsh Wagho had created a disturbance in connection with the construction of a sluice and had threatened the Public Works Department officials with violence if they carried on the work. The Executive Engineer asked for assistance. Rasul Bakhsh was called upon to give security under section 20 of the Sind Frontier Regulations of 1892. Immediately sureties came forward he was released from custody.

Khuda Bakhsh is a petition writer and has long been known as a man of bad character. Action was taken against him under Chapter VIII of the Criminal Procedure Code. An order for taking security was passed on the evidence of bad character. Mahomed Hayat Khan Rind, a small land holder but not, as stated in the letter, a Sardar, was summoned to see the District Magistrate in view of his statement that he wished to sever connection with Government. He told the Deputy Commissioner in an insolent manner that he intended to have nothing more to do with the British Government. The Deputy Commissioner ordered him to leave the room. As he did not do so the Deputy Commissioner took up a hunting crop and gave Mahomed Hayat two or three light cuts to make him leave the room. The District Superintendent of Police was present at the time. It is entirely untrue that Mahomed Hayat Khan was assaulted by the peons or that any police were sent after him. Government have informed the Deputy Commissioner of their disapproval of his action in striking Mahomed Hayat Khan Rind. Government do not propose to take any further action in the matter.

12. Will Government be pleased to state—

(*a*) if their attention has been drawn to a letter over the signature of Mr. Jagannath Vishveshvar Karve under the heading "War Bonds and Government Servants" published on page 7 of the "Kesari" in its issue of the 8th June 1920?

A letter in the "Kesari" dated 8th June 1920.

12. (*a*) Yes.

QUESTIONS AND ANSWERS.

[2ND AUGUST 1920.]

[*Mr. D. V. Belvi.*]

Questions.

(*b*) if so, are the allegations made in the letter true?

(*c*) if not, what are the real facts of the case?

13. Will Government be pleased (*a*) (i) to state if their attention has been drawn to a letter from Mr. R. M. Sane of Barsi under the heading "Government Servants and Ryots' money" published on page 2 of the "Kesari" newspaper in its issue of the 15th June 1920?

A letter in the "Kesari" dated 15th June 1920.

(ii) if so, are the allegations made in the letter correct?

(iii) if not, what are the real facts of the case?

(*b*) to lay on the Council table copies of the orders issued by Mr. Simcox to the mamlatdars in the Sholapur district about the collection of funds for the erection of dharmashalas at Pandharpur?

(*c*) (i) to state what is the total amount collected and what is the exact amount of money now lying in the office of

Answers.

(*b*) Not entirely.

(*c*) Mr. Jaggannath Vishvehvar Karve purchased two war bonds as stated and alleged that he could not meet his land revenue dues. He asked that his 50 Rs. bond should be accepted in lieu of the payment of Rs. 56 still outstanding. He finally sold two bullocks and paid his dues as his request was refused. Mr. Karve is a man of substance who does not cultivate himself and possessed *inter alia* Rs. 77-8-0 in Cash Certificates which he could have cashed at any time at the nearest Post Office.

13. (*a*) (i) Yes.

(*a*) (ii) and (iii). The facts of the case are that Mr. Simcox, then Collector of Sholapur, framed a scheme to build serais for pilgrims at Pandharpur at an estimated cost of about Rs. 20 lakhs, to which Government accorded their general administrative approval in December 1919. At the same time Government directed that no advertisement should be issued by the Collector or by any Government official in the matter, and that the money required should be raised by a Committee of non-official gentlemen, though Government had no objection to the Collector using his personal influence both in forming such a Committee from amongst the worshippers of Vithoba, and in persuading others to contribute to it. Government further directed that there should be no mention of the Collector in any advertisement issued by the Committee. Owing to a misunderstanding Mr. Simcox issued, in anticipation of these orders, an advertisement in the vernaculars under his own signature in response to which some promises were received and some money was collected. The action taken by Mr. Simcox was, however, rectified when the orders referred to above were issued by Government.

(*b*), (*c*) The information required is being obtained.

QUESTIONS AND ANSWERS.

[2ND AUGUST 1920.] [*Mr. D. V. Belvi.*]

Questions.	*Answers.*
each mamlatdar in the Sholapur district? (ii) if receipts have been regularly and officially passed to subscribers to the fund? (iii) if duplicate copies of the receipts are available at present? (iv) what is intended to be done with the money? (v) if any interest is running on the money now lying in Government Treasuries?	
14. (*a*) When is the Training School for primary teachers likely to be established at Belgaum? *Primary teachers' training school.*	14. (*a*) The date has not yet been decided.
(*b*) What is the comparative percentage of trained teachers in Marathi and Kanarese schools in the Belgaum District with reference to the total number of pupils taught in the two languages? (*c*) Is it a fact that some of the teachers in the Marathi primary schools in the Belgaum District were refused admission into the Training Colleges in the Central Division during the last two years for want of room? (*d*) If so, is it intended to open a combined training school for both Marathi and Kanarese teachers at Belgaum?	(*b*) to (*d*) Inquiries are being made.
15. Will Government be pleased to state (*a*) the total number of slaughter houses in the Presidency of Bombay including the Province of Sind? *Cattle in Bombay Presidency.*	15. (*a*), (*b*) The information is being obtained.
(*b*) the total number of cattle slaughtered in them during each of the last five years? (*c*) the total number of farms now maintained out of public funds for breeding cattle?	(*c*) and (*d*) The attention of the Honourable Member is invited to the annual reports of the Department of Agricultural and the Civil Veterinary Department which contain the information required.
(*d*) the special privileges and concessions, if any, given by Government to private owners of cattle for promoting cattle breeding during each of the last five years?	
16. (*a*) Will Government be pleased to state if many Shanbhogs in the Kanara District have applied to them for enhancing their salaries? *Shanbhogs, district Kanara.*	16. (*a*) Yes.
(*b*) If so, have any orders been passed by Government in the matter?	(*b*) The question of revision of pay of the talatis, including the Shanbhogs, is under the consideration of Government.
17. Will Government be pleased to state (*a*) if their attention has been drawn to a complaint over the signature of "A poor teacher" *A complaint in the "Kanara Leader" dated 8th June 1920.*	17. (*a*), (*b*), (*c*) and (*d*) Government have seen the article referred to but not the resolutions. Enquiries as regards both matters are being made of the Director of Public Instruction.

QUESTIONS AND ANSWERS.

[*Mr. D. V. Belvi.*] [2ND AUGUST 1920.]

Questions.	*Answers.*
published on page 6 of the issue of "the Kanara Leader" newspaper dated the 8th June 1920? (*b*) if so, are the allegations made true? (*c*) if not, what are the real facts of the case? (*d*) if Government have received a copy of the resolutions passed in the District Conference of Primary School Masters of the Kanara District on the 26th, 27th and 28th April 1920?	
18. Will Government be pleased to state— (*a*) the probable date on which a Subordinate Judge's Court at Hukeri may be expected to be opened? (*b*) whether Government intend to expedite the establishment of the said Civil Court? (*c*) whether the attention of Government has been drawn to the leading article in "the Belgaum Samachar" in its issue of the 14th June 1920 detailing the inconvenience to which suitors and witnesses are put in the rains owing to the dilatoriness in opening the said Court? Subordinate Judge's Court, Hukeri.	18. (*a*), (*b*) and (*c*). The creation of the new Court has already been notified (*vide* Government Notification, Judicial Department, No. 7016, dated the 28th July 1920), and the Court will commence working as soon as the necessary postings can be made.
19. (*a*) Is it a fact that a leaflet persuading voters to vote in favour of candidates holding particular political opinions at the ensuing elections under the Government of India Act, 1919, has been issued through the Mamlatdars in the Kolaba and other Districts in this Presidency? (*b*) Where was the leaflet printed and published? (*c*) Was the leaflet issued under the orders of the Government? An election leaflet.	19. (*a*), (*b*) and (*c*) No.
20. Has Government issued any instructions to its subordinates in all Departments not to meddle in any way in the ensuing Council elections but to maintain an absolutely neutral attitude? Government servants and the elections.	20. Under standing orders Government servants are forbidden to interfere or use their influence in any way in an election to a legislative council.
21. (*a*) Is it a fact that Vernacular Schoolmasters in the Southern Division have recently been prohibited by the Educational Department from subscribing to a Magazine in Kanarese called "Prathamik Shikshaka"? (*b*) If so, what are the grounds of such prohibition? A Kanarese Magazine.	21. Enquiries are being made.
22. Will Government be graciously pleased to furnish information on the following points with reference to the electoral rolls for the ensuing Council The Electorate of the Bombay Provincial Council.	

QUESTIONS AND ANSWERS.

[2ND AUGUST 1920.] [*Mr. D. V. Belvi.*]

Questions.	*Answers.*
elections in the case of each District of the Northern, Central and Southern Divisions of the Bombay Presidency :—	
(*a*) The total number of voters for the Bombay Provincial Council and for the Indian Legislative Assembly, respectively;	22. (*a*) Information will be available after the final publication of the rolls in October.
(*b*) The percentage of Brahmin voters to non-Brahmin voters in the case of the Provincial Council and also in the case of the Indian Legislative Assembly;	(*b*) Castes are not shown in the Electoral rolls and the information cannot be given.
(*c*) The total number of Mahomedan voters for the Bombay Provincial Council and the Indian Legislative Assembly?	(*c*) See answer to (*a*).
23. (*a*) Are there any scholarships or prizes reserved for pupils belonging to the untouchable classes in any educational institutions maintained out of public funds in the Bombay Presidency? Scholarships or prizes for untouchables.	23. (*a*), (*b*) and (*c*) Enquiries are being made.
(*b*) If so, what is the total number of such scholarships and prizes and in which educational institutions are they available?	
(*c*) What is the total amount of money spent annually out of the public exchequer on scholarships and prizes in educational institutions in the Presidency including Sind?	
24. (*a*) Has the attention of Government been drawn to the serious allegations concerning persecution of Khilafat workers made against the administration in Sind under the heading "Striking on the stomach" published in the issue of "Young India" dated 23rd June 1920? Khilafat workers in Sind.	24. (*a*) Yes.
(*b*) If so, are the allegations true?	(*b*) and (*c*) The pension of Mr. Ghulam Nabi has been suspended. Moulvi Abdul Ghafur was called on by the Deputy Commissioner to explain his conduct in organising and taking part in a conference at which violent and inflammatory speeches were made. After due consideration it was held that his explanation was not satisfactory, and his pension was cancelled on the ground of serious misconduct. Jan Mahomed Junejo at a public meeting on 3rd May 1920, took an oath before the meeting that he would not pay a single pie of his land assessment in future. In consequence of this, it was thought necessary to take certain precautionary measures. Jan Mahomed, however, paid up all the amount of land revenue due by him immediately it was demanded and it was not necessary to take further action on this account. The ordinary water supply is being received by his land.
(*c*) If not, what are the real facts of each of the cases specifically referred to therein?	

QUESTIONS AND ANSWERS.

[*Mr. D. V. Belvi.*] [2ND AUGUST 1920.]

Questions.	*Answers.*
(*d*) Has any inquiry been instituted into the allegations?	(*d*) and (*e*) Mr. Ghulam Nabi was given an opportunity of explaining his conduct. His explanation that he was over-persuaded into presiding at the meeting and that he was not in sympathy or agreement with the violent tone of the speeches delivered thereat was not regarded as satisfactory and his pension was suspended.
(*e*) If so, what is the result of the inquiry?	
(*f*) Was the alleged notification issued by Mr. P. R. Cadell, Commissioner of Sind, issued by him with the sanction of Government?	(*f*) The orders were passed by Government.
25. (*a*) Will Government be pleased to say whether it is a fact that Rs. 200 contributed by the villagers of Temmenahalli in Ranebennur Taluka as their contribution to the Local Board for building a well in their village has been invested in the Byadgi housing association by the Mamlatdar of the Taluka and the Byadgi housing association is now refusing to return the money to either the Local Board or the villagers on the score that one of the bonds is in the personal name of the then Mamlatdar who is now transferred elsewhere and that they require his permission to pay back the money? Well at Timmenahalli, Ranebennur, Dharwar.	25. (*a*) and (*b*) Enquiry is being made.
(*b*) Will Government be pleased to state why the Mamlatdar has purchased the bonds in his own name?	
26. Will Government be pleased to state—	26. (*a*) and (*b*) It is presumed that the Honourable Member means Karwar. The information will be obtained.
(*a*) the average annual revenue per acre of the Casurina plantations in Kanara, basing the average on the period necessary for the full growth of the trees? Casurina plantations, Kanara.	
(*b*) what is the land revenue per acre of garden land situated adjacent to or in the vicinity of the Casurina plantation?	
27. Will Government be pleased to state—	27. (*a*) The Honourable Member is referred to the Forest Administration Report.
(*a*) The average annual yield per acre of forest land? Yield of Forest Land.	
(*b*) Whether Government is charging the usual occupancy price on assessed fallow lands which have been afforested by the Forest Department, and whether the Forest Department is charged the usual annual assessment with regard to such lands?	(*b*) No.
(*c*) Whether the Forest Department charges the Revenue Department in respect of any supplies of Forest produce which it makes to that Department?	(*c*) Yes.

QUESTIONS AND ANSWERS.

[2ND AUGUST 1920.] [*Mr. D. V. Belvi.*]

Questions.	*Answers.*
28. Will Government be pleased to state what is the total of the pound-fees levied in the Kanara District from owners of cattle in the years 1917-18 and 1918-19 for infringing the grazing rules, and what is the total compensation levied by the Forest Department in respect of Forest offences in each of those two years? (Forest fines and compensation.)	28. Information regarding the amount of pound-fees collected during the two years will be called for, but the numbers of cattle impounded are available and are given below:— 1917-18 ... ... 4,164 1918-19 ... ... 3,793 The amount of compensation recovered in forest offences in Kanara was Rs. 9,749 in 1917-18 and Rs. 4,998 in 1918-19.
29. Will Government be pleased to state— (Promotion of school-mistresses.) (*a*) The total number of school-mistresses who obtained a Second Year's Certificate in the Training College for Women at Dharwar before the year 1913 and who are still in service in the Educational Department; (*b*) the curricula of studies for the said certificate before the year 1913 and the Third Year's Certificate after the year 1913; (*c*) if it is true that many of the school-mistresses trained before 1913 were teachers of those that obtained their Third Year's Certificate after 1913; (*d*) if so, is it true that the present salaries and prospects of promotion of those mistresses that obtained a Third Year's Certificate after the year 1913 are much better than those of their former mistresses that taught them; (*e*) if so, what are the grounds for such differential treatment?	29. (*a*), (*b*), (*c*), (*d*) and (*e*) Enquiries are being made.
30. (*a*) Has the attention of Government been drawn to a leading article in the issue of the *Kolaba Samachar* dated 26th June 1920 under the heading "Government and Council Elections"? (An article in the *Kolaba Samachar*, dated 26th June 1920.)	30. (*a*) Yes.
(*b*) If so, are the allegations contained in the article true?	(*b*) No.
(*c*) If not, what are the real facts? (*d*) Will Government be pleased to lay a copy of the leaflet referred to in question 6 above on the Council table?	(*c*) and (*d*). A Marathi version of a pamphlet issued by the Department of Information was distributed in Kolaba and elsewhere. A copy* is placed upon the table. * *Vide* Appendix BB.
31. Will Government be pleased (*i*) to state whether a Conference of the Conservator of Forests, S. C., the Collector of Kanara and the Divisional Forest Officer, E. D., Kanara, was held at Yellapur in May 1919? (Forest Conference: Kanara.)	31. (*i*) and (*ii*) Yes.

QUESTIONS AND ANSWERS.

[*Mr. D. V. Belvi.*] [2ND AUGUST 1920.]

Questions.

(*ii*) whether any report has been submitted by those three officers embodying their discussions and recommendations?

(*iii*) if so, to place on the Council table a copy of the said report, if any?

(*iv*) to state what action has Government taken on the report?

(*v*) if no action has already been taken, whether Government intends to take any action?

32. Will Government be pleased to state—

Pay: Gazetted and non-Gazetted officers.

(*a*) Whether it is a fact that the pay of Subordinate Judges and District Deputy Collectors in the Presidency has recently been raised permanently with effect from 1st December 1919 while that of the subordinate establishments in the Revenue and Judicial Departments has been only provisionally raised with effect from 1st March 1920?

(*b*) And, if so, to state the reasons for the differential treatment of Gazetted and non-Gazetted officers both as regards the nature of the increase and the retrospective effect, to be given effect to it?

33. Will Government be pleased to state—

Indian Forest Act, 1878: Dharwar.

(*a*) if the attention of Government has been drawn to stray note No. 4 published on page 3 of the issue of the *Raja-Hansa* newspaper dated the 19th July 1920 complaining against oppressive prosecutions under the Indian Forest Act, 1878, against whole villages in the Mundgod Mahal and the Kalghatgi Taluka of the Dharwar District?

(*b*) whether the allegations made in the said newspaper are true and accurate?

(*c*) if not, what are the real facts?

(*d*) how many men and women in the Dharwar District were prosecuted under the said Act during the year ending with the 30th June 1920 and how many of them were convicted?

Answers.

(*iii*), (*iv*) and (*v*) The report is under consideration of Government. A Press Note is being issued and a Settlement Officer will be appointed in the cold weather to formulate detailed proposals in furtherance of the policy there adumbrated.

32. (*a*) Yes.

(*b*) The pay of the Gazetted officers was revised under orders of the Secretary of State on the recommendations of the Public Services Commission. For the non-Gazetted services it was imperative, in view of a possible future fall in prices not to burden Provincial Revenues with a *permanent* scale of pay that might in future be found excessive. The same regard for Provincial Revenues rendered it impossible to give retrospective effect beyond 1st April 1920, and the great majority of non-gazettted officers have been drawing temporary and provisional allowances since 1st January 1920 and war allowance before that—concessions not enjoyed by Gazetted Officers.

33. (*a*), (*b*), (*c*), (*d*), (*e*) and (*f*) The attention of Government has not been drawn to the article referred to, but they will make inquiries in the matter.

QUESTIONS AND ANSWERS.

[2ND AUGUST 1920.] [*Mr. D. V. Belvi.*]

Questions.	*Answers.*
(*e*) what was the total amount of fines imposed on the accused persons that were convicted under the said Act during the aforesaid period of time in the Dharwar District?	
(*f*) the total number of persons that have yet to be put on their trial under the said Act in the said District?	
34. (*a*) Will Government be pleased to state the total number of Sub-Registrars' Offices in the Southern Division and the number of such offices as have a peon or peons attached to them and as have more than one clerk in them? Sub-Registrars' Offices: Southern Division.	34. (*a*) The number of offices is 63; the number which have a peon or peons is 14: the number having more than one clerk is 5.
(*b*) Will Government be pleased to state the average time taken to provide applicants with certified copies of documents in the Sub-Registrars' Offices in the Southern Division?	(*b*) The rule of the Department is that copies must be given within 15 days from the date of application at the most. This limit is very rarely exceeded. To give the average exact time would, however, involve a very great deal of calculation, because certified copies of documents are prepared simultaneously with the general copying of documents into the Registers and no separate statistics of the time taken are maintained. If in any case it is alleged that undue time has been taken a complaint to the local District Registrar is the most effective remedy.
(*c*) What was the income from the Sub-Registrars' Offices and what was the expenditure on them during each of the last five years in the Southern Division?	(*c*) The income and expenditure by years is as follows:—

Year.	Income.	Expenditure.
	Rs.	Rs.
1915 ...	1,44,174	63,245
1916 ...	1,53,359	61,488
1917 ...	1,55,221	61,342
1918 ...	1,71,722	64,462
1919 ...	2,16,304	82,935

(*d*) What is the maximum and minimum allowed to a Sub-Registrar's Office as contingency every month in the Southern Division?	(*d*) The minimum is annas 8 a month, the maximum is Rs. 1-8-0. Allotments naturally vary according to the size of the office.
35. Will Government be pleased—	35. (*i*), (*ii*), (*iii*), (*iv*), (*v*), (*vi*) and (*vii*). Information will be called for.
(*i*) to state how many persons in the Ranebennur Taluka of the Dharwar District have made applications to the Commissioner, S. D., the Collector of Dharwar, the Prant Officer in charge of the II Division, Dharwar, and the Mamlatdar of Ranebennur respectively since the close of the second Indian War Loan complaining that they did not get War Bonds in return for the money they had paid to the Revenue authorities for the purchase of War Bonds and enquiring as to what had become of their money? War Bonds: Ranebennur, Dharwar.	
(*ii*) to say what has been the result of these applications?	

QUESTIONS AND ANSWERS.

[*Mr. D. V. Belvi.*] [2ND AUGUST 1920.]

Questions.

Answers.

(*iii*) to lay on the Council Table the report of the Deputy Collector, II Division of the Dharwar District, to the Collector of the District who for the last nine months has been making inquiries to atrce to where the amounts contributed by the ryots of the Ranebennur Taluka have been invested?

(*iv*) to say whether it is a fact that the District Deputy Collector in charge of II Division has ordered the Co-operative Credit Societies in the Ranebennur Taluka, in whose names the bonds were applied for by the Mamlatdar and were issued either by the Postal authorities or by the Public Debts Office, to pay back the money to the ryots?

(*v*) to say whether it is a fact that during the investigation of these war loan affairs the District Deputy Collector repaid monies to certain contributors after recovering the same from certain village officers?

(*vi*) If the reply to the above question be in the affirmative, will Government be pleased to state the reasons why this money remained unaccounted for and to state if they have taken any steps against those who were responsible for retaining the ryots' contribution?

(*vii*) Will Government be pleased to say whether it is a fact that the District Deputy Collector in his inquiries has found out that in the case of one contributor War Bonds to the extent of Rs. 1,000 more than the amount he contributed were issued and this excess amount was recovered by the Taluka authorities without crediting the same in the Taluka War Loan accounts?

36. Will Government be pleased to state—

(*a*) whether it is a fact that the Divisional Forest Officer in the Supa Mahal of the Kanara District is *ex-officio* Assistant Collector for that area?

Supa Mahal, district Kanara.

36. (*a*) Yes.

(*b*) if so, (i) what previous training the said officer has had to do the revenue work efficiently;

(*b*) (i) and (ii). The revenue work in Supa Mahal is light and of a simple nature, easily within the competence of an officer of the standing of a Divisional Forest Officer. Though the forest duties of the Division are heavy their proper discharge is not impeded but on the contrary facilitated by the Divisional Forest Officer's holding revenue charge of the Supa Mahal.

(ii) whether his forest duties are sufficiently light to allow him any leisure to attend to the revenue duties, and

(iii) how many villages out of the 115 villages of the Mahal were visited by him last year in his revenue capacity?

(iii) A Forest Officer holding revenue charge in addition to his own duties necessarily exercises both forest and revenue functions when on tour.

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(*c*) whether it is a fact that the services of the Circle Inspectors and Village Officers of the Supa Mahal were requisitioned for Forest duties, and whether in consequence of this, the last jamabandi was delayed by some months?

37. Will Government be pleased to state with reference to the reply given in my Question No. 34 put at the March Sessions of the Legislative Council regarding the "Toungya" system— Toungya system, Kanara.

(*a*) the terms on which the Kumri lands are assigned to the cultivators, and

(*b*) whether the terms are such as permanently to associate the cultivators with such lands?

38. Will Government be pleased (*a*) to state if their consideration of the question of revising the present salaries and allowance of Mamlatdars in the Presidency is completed? Mamlatdars: Pay and allowances.

(*b*) And if so, the probable date when final orders may be expected by the public?

(*c*) If the question be still under consideration, the stage that has been reached and the authority with whom the matter actually lies at present?

THE HONOURABLE MR. SHERIFF DEVJI CANJI.

1. Will Government be pleased to state whether teachers of the Mahi Kantha Agency are allowed any war allowance, etc.? If paid, how much? If not why not? School teachers, Mahi Kantha Agency.

2. Will Government be pleased to state—

(*a*) What is the total number of schools in the Mahi Kantha Agency? Schools, Mahi Kantha Agency.

(*i*) Number of boys and girls in each school.

(*ii*) Number of teachers in each school and the qualifications of each teacher.

(*iii*) Salaries paid to each of the members of the teaching staff in each school.

(*b*) When was the present scale of salaries fixed and whether the scale was revised in each case?

[*These questions were asked at the meeting held on the 13th March, 1920, when* ad interim *replies were given.*]

[*Mr. D. V. Belvi; Mr. Sheriff Devji Canji.*]

Answers.

(*c*) The co-operation of the Revenue and Village staff in certain branches of forest work is not infrequently required. From the report for the last completed revenue year it appears that the jamabandi of Supa Mahal was completed within the due date.

37. (*a*) Information has been called for.

(*b*) The answer is in the negative.

38. (*a*), (*b*) and (*c*). The Honourable Member is referred to the reply to question No. 7 put by the Honourable Rao Bahadur V. S. Naik at this meeting.

1. War allowance at Rs. 2 per mensem to Head Masters drawing Rs. 20 and under and Re. 1 per mensem to Assistant Masters irrespective of pay has been sanctioned in the Thana Circles and Managed Estates.

2. A tabular statement* is put up.

**Vide* Appendix H.

QUESTIONS AND ANSWERS.

[*Mr. P. A. Desai.*] [2ND AUGUST 1920.]

Questions.

Answers.

THE HONOURABLE MR. P. A. DESAI, LL.B.

1. Will Government be pleased to state how many first and second appeals were disposed of by the first Bench of the High Court of Bombay from June to December 1919 and how many from June to December 1918?

Appeals: High Court, Bombay.

1. 1919: 305 first appeals and 953 second appeals. 1918: 96 first appeals and 196 second appeals in addition to other work.

2. (*a*) Is it a fact that there is a dearth of hands in the Shirestedar's office on the Appellate Side of the High Court and is the work of supplying certified copies of the orders of the Court delayed for over months together?

Shirestedar's Office: High Court, Bombay.

2. (*a*) Owing to the speedy disposal of appeals by the Court since June 1919 the existing clerical staff in the Shirestedar's office was unable to cope with the work of issuing decrees and orders of the Court. Since the 8th October 1919, three additional hands have been employed. There is, however great difficulty in getting work done, quickly by inexperienced hands.

A large amount of office work has to be done before copies of the orders of the Court can be issued to parties. The Judgments must be copied fair, and approved by Their Lordships. The decrees and orders must be drawn up, settled, and approved by the pleaders and officers of the Court. The bills of costs must be prepared, translations must be made, and finally copies must first be issued to the lower courts. The originals are then available for the preparation of copies for parties. As a rule certified copies are supplied within ten days from the time the originals are available, and the delay has seldom, if ever, exceeded twenty days. Additional hands are employed for the purpose.

(*b*) Is it a fact that the whole of the working establishment of the Shirestedar's office on the Appellate Side of the High Court is huddled up in one room and does this not cause serious inconvenience both to the office and the pleaders practising on the Appellate Side?

(*b*) Yes. Government are considering the question of providing further accommodation.

3. Is the rule that the certified copies should be supplied to the applicants within ten days, strictly followed on the Appellate Side in recent times in the High Court, Bombay?

High Court, Bombay: Supply of certified copies.

3. It is not always possible to follow the rule now, but it is usually followed. The period of ten days must be counted from the time when the originals are ready for copy, and not from the date of the application, which is generally made immediately on the disposal of the case.

4. Will Government be pleased to state whether the railway station at Bijapur is to be removed to another site to prevent damage to the Gol Gumaz from its vicinity; if so, what site has been selected for building the railway station?

Removal of railway station, Bijapur.

4. It is not proposed to move the Bijapur railway station.

QUESTIONS AND ANSWERS.

[2ND AUGUST 1920.] [*Mr. P. A. Desai.*]

Questions.

5. Is there any truth in the complaint made by the Kanara News of Kumta in the Kanara Collectorate in its issue of the 19th February, that certain restrictions on the fishing rights of the local fishermen in the Aghanashini river, have been placed by Mr. Walke, the Superintendent of Fisheries in the Southern Division.

Fishing rights: Kumta, District Kanara.

6. Will Government be pleased to state what was the expenditure for the district local board clerical staff under official presidents and what is it now under non-official presidents?

Clerical staff, district local boards.

[*These questions were asked at the meeting held on the 13th March 1920, when* ad interim *replies were given.*]

7. Will Government be pleased to state in a detailed statement how many non-Mohamedan and Mohamedan voters there are in each district of the Bombay Presidency including Sind?

Mohamedan and non-Mohamedan voters.

8. Will Government be pleased to state—

(*a*) what is the number of seats assigned to each district of the Bombay Presidency and what are the reasons for assignments of different number of seats for each district?

Reformed Council: District representation.

(*b*) whether Government intends to increase the total number of seats above 111 as has been done in Madras?

Answers.

5. The complaint has reference to the measures for protection of the natural oyster beds at the mouth of the Tadri Creek in the Kanara District. At the request of the Director of Industries, the Collector of Kanara has issued an order forbidding removal of cockle and oyster shells from this particular area. This prohibition is to help the oyster beds to recover from the depletion from which they have suffered at the hands of the local inhabitants and unless this protection is given for a time the beds will shortly cease to exist.

6. The following statement gives the information required.

Name of District Local Board.	Expenditure for the clerical staff under official president.	Expenditure for the clerical staff under non-official president.
Northern Division.		
	Rs.	Rs.
Ahmedabad ...	3,613	5,247
Broach ...	2,604	2,532
Thana ...	5,149	9,375
Central Divison.		
Ahmednagar ...	2,175	3,180
Nasik ...	3,240	3,240
Poona ...	2,820	3,180
Satara ...	4,215	3,369
Sholapur ...	2,400	2,880
Southern Division.		
Belgaum ...	2,230	2,580
Dharwar ...	2,340	3,924
Kolaba ...	1,800	2,644
Sind.		
Hyderabad ...	3,650	5,184

7. This information will not be available until the final publication of the Electoral rolls in October.

8. (*a*) Schedule I to the Bombay Electoral Rules published in the *Bombay Government Gazette* (Extraordinary) of 14th June gives the number of seats required. The number allotted to each Constituency was decided after consideration of the population and the estimated number of voters.

(*b*) No.

QUESTIONS AND ANSWERS.

[*Mr. P. A. Desai.*] [2ND AUGUST 1920.]

Questions.

9. Will Government be pleased to state—

Special Tribunals: Ahmedabad.

(*a*) How many cases were tried by each Tribunal presided over by Messrs. Vernon and Elliot? How many accused were tried and how many of them were convicted?

(*b*) What was the total amount of fines inflicted in all cases tried by each Tribunal and what was the total value of the property forfeited in all the cases tried by each Tribunal?

(*c*) What was the total expenditure incurred by Government on account of each Tribunal including the salaries of the Judges serving on both the Tribunals.

10. Will Government be pleased to state—

Karjat and Malshiras.

(*a*) What is the present population of the towns of Karjat in the Kolaba District and of Malshiras in the Sholapur District?

(*b*) If the populations of both the towns be less than 2,000 why the Notified Areas in these towns have not been cancelled like that of Santa-Cruz near Bandra?

11. Will Government be pleased to state

Deccan Agriculturists' Relief Act.

why the Deccan Agriculturists' Relief Act is not amended as yet in accordance with the recommendations of the Commission appointed by Government several years ago? When does Government intend to amend the Act?

12. Is Government aware that Executions

Civil Court decrees: Execution by Court.

of Civil Court decrees sent to Collectors for execution are delayed for several years? What steps does Government intend to take to remove this evil?

13. Will Government be pleased to state

Fodder reserves.

how far the scheme of fodder reserves to meet the immediate require-

Answers.

9. The information asked for is being obtained.

10. (*a*) The population of Karjat and Malshiras is 1,781 and 2,400 respectively.

(*b*) The Honourable Member is referred to section 187 (3) of the Bombay District Municipal Act, 1901, which sets forth the condition required to be fulfilled for the constitution of any area as a Notified Area. In the case of Santa Cruz it was proposed to abolish the Notified Area not because its population was less than 2,000 but because it was considered desirable in the public interest to include it within the Bandra Municipal limits. This proposal has, however, been postponed.

11. The Commission recently appointed to consider certain points in connection with the amendment of the Deccan Agriculturists Relief Act have submitted their recommendations to Government, who are now considering them.

12. No complaints have been received by Government. The Divisional Commissioners scrutinize the state of the Collectors' files with a view to checking any tendency towards delay. Government also take a view of the progress made annually.

13. The Honourable Member is referred to the reply to Question No. 4 by the Honourable Mr. Purshotamdas Thakordas.

QUESTIONS AND ANSWERS.

[2ND AUGUST 1920.] [*Mr. P. A. Desai; Rao Saheb Harilal Desaibhai Desai.*]

Questions.

Answers.

ments of early months of any year of fodder scarcity, has advanced?

And what steps have actually been taken in that respect?

14. Will Government be pleased to state how the auction system of disposal of shops for the retail vend of country spirit, toddy and opium, has been working since its introduction?

Toddy and Opium shops: auction system.

14. The Honourable Member is referred to paragraph 3 of the Resolution of Government issued on the Reports on the Administration of the Excise Department for the year 1918-19.

15. Will Government be pleased to state what steps have been taken by Government to give effect to the recommendations of the Industrial Commission as far as this Presidency is concerned?

Industrial Commission recommendations.

15. The Honourable Member is referred to the annual reports of the Department of Industries.

16. Will Government be pleased to state—

(*a*) whether Government is aware of the grievance of the teachers of the Municipal schools of Pen in Kolaba District as to their having been forcibly used by the Municipality for other purposes than those for which they are engaged?

Municipal School Teachers: Kolaba.

(*b*) whether these teachers have approached the Government for redress?

(*c*) whether the Municipality has stopped the pay of the teachers for the last 10 months?

(*d*) what steps, if any, have Government taken in this matter?

16. (*a*), (*b*), (*c*) and (*d*) Government have received a petition from the teachers and enquiries are being made in the matter.

THE HONOURABLE RAO SAHEB HARILAL DESAIBHAI DESAI, LL.B.

1. Will Government be pleased to state whether arrangements have been made to introduce time scale salaries to teachers of primary schools in Agencies and to grant them War Allowances?

Salaries of teachers in Agencies.

Kathiawar.

1. Time scale salaries are not given to teachers in primary schools, but war allowance is being given to all the educational employés in the service of the Educational Department with the exception of those serving in the schools of 3rd and 4th class States of Jhalawad, Halar and Gohilwad Prants.

Mahi Kantha.

For want of sufficient funds the system of time scale of pay has not been introduced. Substantial increase has, however, been made in the pay of all teachers as far as the finances could permit.

The grant of war allowance @ Rs. 2 per mensem to Head Masters drawing Rs. 20 and under, and Re. 1 per mensem

QUESTIONS AND ANSWERS.

[*The Honourable Rao Saheb Harilal Desaibhai Desai.*]

[2ND AUGUST 1920.]

Questions.	*Answers.*
	to assistants irrespective of their pay, was sanctioned in Thana Circles and Managed Estates with effect from the 1st November 1919. The scale of war allowance for Head Masters has since been raised to 20 per cent. of pay with maximum of Rs. 5.
	Palanpur.
	A time scale of pay for the teachers of the Primary Schools in Thana Circles and the petty States could not be introduced for financial reasons, but a war allowance at 20 per cent. of pay, subject to a minimum of Rs. 3 per mensem, was sanctioned with effect from the 1st January 1919. Arrangements have, however, been made to introduce the time scale salaries to trained teachers of the Deesa Cantonment School. They are not in receipt of war allowance as cantonment servants have not been drawing it.
	Rewa Kantha.
	War allowance is given to the teachers in the two Mewases (Sankheda and Pandu) only.
2. Will Government be pleased to give the following information :— Appeals : High Court, Bombay.	2.
(*a*) The number of pending Appeals, Civil and Criminal, as well as revisional applications, Civil and Criminal, before His Majesty's High Court at Bombay on 1st June 1919, excluding those pending for admission only.	(*a*) 1,862 Civil Appeals. 90 Civil Revisional Applications. 51 Criminal Appeals. 50 Criminal Revisional Applications.
(*b*) The number of Appeals and Applications, Civil and Criminal, decided by the First and Second Divisional Benches on the Appellate Side of the High Court between 1st June 1919 and 31st December 1919.	(*b*) Benches — 1st. — 2nd. — 3rd. Civil Appeals ... 1,308 — 282 — 47 Civil Revisional Applications ... 221 — 47 — 11 Criminal Appeals ... ... — 544 — ... Criminal Revisional Applications ... ... — 320 — ...
(*c*) A statement of the following :—	(*c*)
(1) The number of Appeals and Applications, Civil as well as Criminal, pending for admission only on the reopening of the High Court after the summer vacation of 1918 and 1919.	(1) 1918. — 1919. Civil Appeals ... 176 — 278 Civil Revisional Applications ... 44 — 66 Criminal Appeals ... 34 — 30 Criminal Revisional Applications ... 11 — 52
(2) The number of Appeals and Applications, Civil and Criminal, filed between the reopening of the Courts after summer vacation of 1918 and 31st December 1918 and between the reopening of the summer vacation of 1919 and 31st December 1919.	(2) Civil Appeals ... 915 — 911 Civil Revisional Applications ... 167 — 175 Criminal Appeals ... 394 — 524 Criminal Revisional Applications ... 289 — 321

QUESTIONS AND ANSWERS.

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Questions.

Answers.

(*d*) The number of Apeals and Applications, Civil and Criminal, similarly disposed of between the periods referred to in item 2 above?

(*d*)

Civil Appeals	...	805	1,637
Civil Revisional Applications	...	153	278
Criminal Appeals	...	345	434
Criminal Revisional Applications	...	291	308

3. Will Government be pleased to state whether any special concessions of free places and scholarships are being given to the backward population of Dharalas in Gujarat for study in Middle Schools and High Schools?

Scholarships for Dharalas.

3. The answer is in the negative.

[*These questions were asked at the meeting held on the 13th March 1920, when* ad interim *replies were given.*]

4. Will Government be pleased to give the following information, *viz.*:—

Village Acher, North Daskroi, Ahmedabad.

4.

(*a*) the total area of the village of Acher in the North Daskroi taluka of the Ahmedabad district;

(*a*) The Honourable Member is referred to No. CCXIV—new series—of the Selections from the Records of the Bombay Government relating to revision survey settlement of Daskroi taluka.

(*b*) the area proposed to be acquired from the village of Acher for a Leper Asylum and a Lunatic Asylum;

(*b*) The Honourable Member is referred to Government Notification No. 1677, dated 4th June 1920, printed at page 1494 of Part I of the *Bombay Government Gazette*, dated 10th June 1920.

(*c*) the area of the Government grass land (Bid) near by?

(*c*) Information will be called for.

5. Will Government be pleased to state for 1918-19 (*a*) the net income to the Government from the Kharaghoda Salt Works exclusive of duty;

Income: Kharaghoda Salt Works.

5. (*a*) Government made no profit apart from the duty on salt.

(*b*) the amount of duty;

(*b*) Rs. 47,82,622.

(*c*) the amount of salt produced and the number of Agarias engaged in producing the same;

(*d*) the total wages paid to the Agarias employed?

(*c*) and (*d*) The Honourable Member is referred to paragraph 15 of the Report on the Administration of the Salt Department of the Bombay Presidency for the year 1918-19.

6. Will Government be pleased to state whether any increase has been given to the Agarias in wages owing to the abnormal rise in the cost of living?

Wages of Agarias: Kharaghoda Salt Works.

6. The Agarias' wages were raised from anna 1 pies 9 to annas 2 per maund with effect from the manufacturing season of 1917-18. A special monthly allowance of Rs. 2 to each of the three shareholders of each pan, *i.e.*, Rs. 6 per pan, throughout the works was paid to the Agarias for the seven months of the working season of 1918-19.

QUESTIONS AND ANSWERS.

[*The Honourable Rao Saheb Harilal Desaibhai Desai.*] [2ND AUGUST 1920.]

Questions.	*Answers.*
7. Will Government be pleased to give the following information in the form of a statement as regards the villages of the Bombay Presidency including Sind, *viz.*— (*a*) the number of villages per district in which the offices of Police and Revenue Patels are combined in one person and those in which they are held separately; (*b*) the number of villages per district in which a single family hereditarily holds the offices of Police and Revenue Patels? Offices of village patels.	7. (*a*) and (*b*) The information required cannot be obtained except at the expenditure of an amount of labour which in the opinion of Government is not justified.
8. Will Government be pleased to give information about the embezzlements in the office of the Talukdari Settlement Officer, Ahmedabad, asked for in question No. 1 of the September Session of 1919; and be also pleased to place on the table the audit note of the Accountant General's auditors and the judgment of the Sessions Judges, Ahmedabad? Embezzlements: Talukdari Settlement Office, Ahmedabad.	8. The matter is still under investigation. A copy of the judgment* is laid on the table. * *Vide* Appendix W.
9. Will Government be pleased to state whether the assessment on lands of Talukdari tenure in the Ahmedabad district is higher in most places than that on similar lands in the adjoining khalsa villages? Unequal assessment: talukdari and khalsa villages.	9. The Honourable Member is referred to the settlement reports of the Ahmedabad district.
10. Will Government be pleased to state (*a*) whether they are aware that there is no Anglo-Vernacular School or class in the town of Koth of the Talukdari estate of Sanand in the Ahmedabad district? Anglo-Vernacular Schools: Koth, Sanand.	10. (*a*) Yes.
(*b*) whether people of Koth petitioned to Government to have such a school or class opened through the Talukdari Settlement Officer?	(*b*) Yes.
(*c*) what action has been taken thereon?	(*c*) The attention of the Honourable Member is invited to the reply given at the November meeting in 1918 to a question on the subject put by the Honourable Mr. G. K. Parekh at the meeting of the Legislative Council held on the 23rd September 1918.

QUESTIONS AND ANSWERS.

[2ND AUGUST 1920.]

[*The Honourable Rao Saheb Harilal Desaibhai Desai.*]

Questions.

Answers.

11. Will Government be pleased to state (*a*) the number of persons convicted by the Special Tribunals at Ahmedabad in connection with the disturbances in April 1919?

Convicts: Ahmedabad Special Tribunals.

11. (*a*) 123.

(*b*) The number of persons released under the Amnesty granted by His Gracious Majesty?

(*b*) 72.

(*c*) The names of persons in whose case the benefit on the Amnesty was withheld and special reasons for doing so in each case?

(*c*) 33 persons were held to be not entitled to the benefit of the Amnesty. Their names are given in the appendix* to this question.

**Vide* Appendix X.

12. Will Government be pleased to state (*a*) whether the Assistant Deputy Educational Inspectors are given any conveyance allowance?

Educational officers: Conveyance allowance.

12. Enquiries are being made.

(*b*) whether Government is aware that the teachers in charge of primary schools have in Gujarat to arrange for the conveyance of the inspecting staff and in some cases to bear the cost?

13. Will Government be pleased to state—

(*a*) whether any orders have been passed by the Educational Department or by them or whether any are in contemplation to transfer the power of giving promotions to school masters and teachers in primary schools under municipalities and any other similar powers to the Educational Inspector?

Municipal school masters: promotion.

13. (*a*) and (*b*) Government have had no such proposals under consideration; enquiries are being made of the Director of Public Instruction.

(*b*) if so, the exact scope of such proposals?

14. Will Government be pleased to state—

(*a*) when it is proposed to separate the Judicial District of Kaira and Panch Mahals from the Ahmedabad Judicial District?

Judicial administration: Kaira.

14. (*a*) The question of the separation of the Judicial District of Kaira and Panch Mahals from the Ahmedabad Judicial District is at present under the consideration of Government and Government are not in a position to state when a decision on the question will be arrived at.

(*b*) whether it is in contemplation to locate at present the District Court of Kaira at Kaira and the First Class Subordinate Judge's Court at Nadiad?

(*b*) It is at present contemplated to locate the District Court and the First Class Subordinate Judge's Court at Nadiad.

QUESTIONS AND ANSWERS.

[2ND AUGUST 1920.]

[*Sardar Sayad Ali El Edroos; Major C. Fernandes; Rao Bahadur S. D. Garud.*]

THE HONOURABLE SARDAR SAYAD ALI EL EDROOS.

Questions.	*Answers.*
1. (*a*) Will Government be pleased to state if it is a fact that some American Companies have come to purchase cows in this Presidency for exporting them out of India? Export of cows.	1. (*a*) Reply already given.
(*b*) If so, is it true that they have purchased and exported nearly 60,000 cows in this year?	(*b*) No. Attention is invited to Press Note No. 15086 dated 23rd December 1919.
(*c*) Will Government be pleased to inquire how many cows have been exported by these American Companies from each district of Ahmedabad, Broach and Kathiawar?	(*c*) Kathiawar ... ... 55 Broach ... ... 45 Ahmedabad— Total export by rail was 1,265 but it cannot be stated how many of these were for export to outside India and how many to other parts of India.
[*This question was asked at the meeting held on the 10th December 1919, when an* ad interim *reply was given.*]	

THE HONOURABLE MAJOR C. FERNANDES, M.D., F.C.P.S., I.M.S.

1. Will Government be pleased to say whether it is a fact that a market built at the public expense at Santa Cruz in the Salsette Taluka of the Thana District has, under the orders of Government, been restricted to the sale of vegetables only? Santa Cruz Market.	1. Yes.

THE HONOURABLE RAO BAHADUR S. D. GARUD.

1. (*a*) Will Government be pleased to state the total number and names of villages in the Nagar district which have no wells? Ahmednagar, Wells.	1. (*a*) and (*b*). There are wells either for drinking or irrigation purposes in all the villages in the Ahmednagar district except the following:—
(*b*) Were any steps taken during the last famine to encourage the ryots of those villages to dig wells? If so, what?	

Taluka.	Village.	Reasons.
Akola ...	1. Chandsuraj ... 2. Kumshet ... 3. Phopsandi ... 4. Esarshav ...	The villagers make use of adjoining river water. Sub-soil water is not available owing to the nature of the strata. The villages are very sparsely inhabited.
Nevasa ...	1. Khalalpimpri. 2. Madki ...	These villages are situated on the bank of Pravara river and the villagers use the water of the river for drinking purposes. The villagers do not desire to have their lands irrigated by well water. They were advised to ask for tagai for digging wells during the last famine but they refused to do so.

2. Will Government be pleased to state— Influenza Epidemic, Orphans. (*a*) how many orphans are being maintained?	2. (*a*) 430.

QUESTIONS AND ANSWERS.

[2ND AUGUST 1920.] [*Shaikh Ghulam Hussein Hidayatallah.*]

Questions.	*Answers.*
Inspectors provided for the advancement of Mahomedan education in each division of the Presidency for the furtherance of the end in view?	
4. Will Government be pleased to furnish statistics relating to the experimental English classes attached to vernacular schools in general, and to Urdu schools in particular, in each division of the Presidency? (Vernacular Schools: English classes.)	4. It is not clear what statistics the Honourable Member desires to have. If, as is presumed, his intention is to obtain statistics showing the result of the experiment after one year's working, it may be pointed out that the report of the Director of Public Instruction in this connection is awaited.
5. Will Government be pleased to state what steps, if any, have been taken to explain "local option" in regard to the medium of instruction and what is the method, if any, adopted for arriving at decisions in that respect in the three divisions of the Presidency? (Education: Local Option.)	5. Enquiries are being made.
6. Will Government be pleased to state if uniformity was observed in the introduction of the new alternative sets of standards in February 1919 in the three divisions of the Presidency? (Education: Alternative standards.)	6. Enquiries are being made.
7. Will Government be pleased to state whether the Central Urdu Schools meant for turning out qualified Urdu teachers are using the medium of instruction suitable for the purpose; and, if so, whether it will be so declared? (Urdu teachers.)	7. The Central Urdu Schools, the opening of which was recommended by the Presidency Mahammadan Education Committee, have not yet been started.
8. Will Government be pleased to state—	8. (*a*) and (*b*) Enquiries are being made.
(*a*) whether the Central Urdu School at Tankaria is intended for the benefit of the Mahomedans of the whole Northern Division, or only for the benefit of the Mahomedans of the Broach District? (Urdu School: Tankaria, Broach.)	
(*b*) if it is a fact that Urdu was the medium of instruction at the Central School, Tankaria, before "local option" was given?	
9. Will Government be pleased to state—	9. (*a*) Yes.
(*a*) whether the orders of the Secretary of State on the recommedations of the Public Service Commission in regard to the Provincial Revenue and Police services have been received? (Public Service Commission.)	

QUESTIONS AND ANSWERS.

[*Shaikh Ghulam Hussein Hidayatallah.*] [2ND AUGUST 1920.]

Questions.

(*b*) if so, what are those orders; and when are they to be carried into effect; and if any retrospective effect is to be given to them; and, if so, from what date?

10. Will Government be pleased to state—

Police Services: Indian Appointments.

(*a*) if it is a fact that, under a Press Communiqué of the Government of India, only two appointments in the Imperial Police Service have been given to Indians in the Bombay Presidency for the years 1919 and 1920, and only one appointment in the Provincial Police Service has been given to departmental officers.

(*b*) if it is a fact that a much larger number of such appointments has been given in other Provinces.

(*c*) if the reply to (*a*) and (*b*) be in the affirmative, the reason why the Bombay Presidency has received such a meagre share.

11. Will Government be pleased to state when the sub-divisional system in the Police Department recommended by the Honourable Mr. Robertson is likely to come into force?

Police Department: Sub-divisional system.

12. Will Government be pleased to state when the construction of provincial roads will be undertaken in Sind?

Sind: Provincial road construction.

Answers.

(*b*) A copy of Government Notification* No. E.—21, dated 22nd June 1920, is placed on the table.

* *Vide* Appendix Y.

10. (*a*) Two such appointments were allotted to Indians for the years 1919 and 1920 of which one was filled by the promotion of a Deputy Superintendent of Police.

(*b*) The figures are:—

	1919	1920.
Madras ...	2	1
Bombay ...	1	1
Bengal ...	2	1
United Provinces ...	3	2
Punjab ...	2	2
Burma ...	2	1
Bihar and Orissa ...	1	1
Central Provinces ...	1	1
Assam ...	1	0

(*c*) The number of appointments was limited by the number of existing vacancies in the cadre.

11. The sub-divisional scheme submitted by the present Inspector General of Police is still under the consideration of Government.

12. It has been decided to provincialise the following 16 roads and orders will issue shortly:—

1. Sukkur-Shikarpur.
2. Jungshahi-Tatta (Tatta-Baghar).
3. Hyderabad-Hala (*via* Matiari).
4. Hala-Shahdadpur.
5. Naushahro-Pad Idan.
6. Udero Lal-Tando Adam.
7. Radhan-Mehar.
8. Shikarpur-Jacobabad.
9. Badrah-Nasirabad.
10. Chhor-Umarkot.
11. Rohri-Kandiaro.
12. Kandiaro-Kandiaro Road Station.
13. Karachi-Kotri,
14. Remaining portion of through road between Hala and Kandiaro.
15. Hyderabad-Mirpurkhas (Mirpurkhas-Umarkot).
16. Hyderabad-Badin.

QUESTIONS AND ANSWERS.

[2ND AUGUST 1920.] [*Rao Bahadur S. D. Garud.*]

Questions.	*Answers.*
(*b*) in what institutions?	(*b*) 10 under the care of Missionaries at Gadag. 4 in the Mission at Mundalwar in the Akrani. 6 under the care of the St. John's Mission School at Poona. 4 under the care of the Convent High School, Poona. 4 under the care of the Christian Mission Society, Poona. 19 under the care of the Reverend Hiwale of Sirur Mission. 5 under the care of the Society for the Protection of Children, Poona. 30 in the Local Zenana Bible and Medical Mission at Sholapur. 6 in the Victoria Orphanage, Dhulia. 34 in the Bijapur Orphanage. 34 in the Mahipatram Rupram's Anath Ashram at Ahmedabad. 8 in private institutions at Viramgam and Patri. 16 in the Mission Orphanage, Nadiad. 12 in the Anath Ashram, Nadiad. 35 in the Methodist Episcopal Mission, Godhra. 56 in the Hindu Orphanage, Surat. 147 under the care of private persons.
(*c*) at what cost to Government as the result of their Resolution after the last influenza epidemic?	(*c*) Rs. 1,745-4-0 per annum.
[*These questions were asked at the meeting held on the 10th December 1919, when* ad interim *replies were given.*]	
3. (*a*) Is Government aware that the Honourable Mr. Gebbie gave certain assurances about the increase of pay to a deputation from the Bombay Upper Subordinates' Association in December 1919? (Assurances to the Bombay Upper Subordinates' Association.)	3. (*a*) and (*b*) Government are aware that the Honourable Mr. Gebbie assured the deputation of the Bombay and Sind Upper Subordinates' Associations that certain proposals, which were explained to the deputation, had been placed before the Government of India for favourable consideration. There is nothing on record to show that any further assurances were given.
(*b*) If so, will Government be pleased to state, (i) what those assurances were, (ii) what steps have been taken to fulfil them, (iii) whether provision has been made in the Budget for 1920-21 to give effect to them, (iv) what amount has been provided for that purpose, and (v) whether it is intended to give retrospective effect to the promised increase of pay as assured by the Honourable Mr. Gebbie?	
4. Will Government be pleased to state— (Revised pay to secondary teachers.) (*a*) when the new time scale for secondary teachers is to come into force and	4. (*a*) It has been directed that the time scale should be brought into force with effect from the 14th March 1920.

QUESTIONS AND ANSWERS.

[*Rao Bahadur S. D. Garud.*] [2ND AUGUST 1920.]

Questions.	*Answers.*
(*b*) what provision is made for the under-graduates holding S. T. C. Diplomas who have put in more than twenty years' service to get the maximum pay provided for them in the teaching line?	(*b*) Under the revised scale, non-graduate teachers at present serving in the Department will be allowed to earn their annual increments (provided their service is approved) till they rise to Rs. 100. Thereafter they will not be eligible for any increment except in special cases.
5. Will Government be pleased to state (*a*) the total number of (1) newspapers and (2) printing presses in the Presidency against whom action was taken under the Press Act, (*b*) the number to whom the Royal Amnesty was extended, (*c*) the number whose cases are under consideration, and (*d*) the number to whom it was refused? Newspapers and Presses.	5. (*a*), (*b*) and (*d*) The attention of the Honourable Member is invited to the answer given on the 18th September 1919 to the question No. 2 put by the Honourable Mr. Harchandrai Vishindas, C.I.E., and to the answer given on the 13th March 1920 to the question No. 36 put by the Honourable Mr. D. V. Belvi, LL.B. Since the latter answer was given the security deposited by one more printing press, *viz.*, the Anglo-Vernacular Printing Press, Ahmedabad, has been returned. (*c*) Two cases are under consideration.
6. Will Government be pleased to state the number of Local Board and Municipal Vernacular Schools for which applications have been made for permission to introduce the teaching of the first three English standards? English and Vernacular Schools.	6. In view of the reply given to part (*a*) of a question on the subject put by the Honourable Mr. S. B. Upasani at the meeting of the Legislative Council held in December last, Government consider that no useful purpose will be served by calling for the information required by the Honourable Member.
7. (*a*) Will Government be pleased to state whether they have received any petitions from pensioners praying for increase of their pensions to meet the present high cost of living? Government servants: increased pension.	7. (*a*) Yes.
(*b*) If so, will Government be pleased to lay them on the Table and to state what action has been or is proposed to be taken to meet their prayer?	(*b*) A memorial from the Civil Pensioners in Bombay addressed to the Government of India has been forwarded to that Government for consideration and orders. Pending receipt of Government of India's orders the memorials cannot be laid on the table.
8. Will Government be pleased to lay on the Table a copy of the Government Resolution issued in 1906 about the division of the Khandesh District into East and West Khandesh and a copy of the petition dated the 8th of October 1906 submitted by the citizens of Dhulia stating their objections to the division? Division of Khandesh District.	8. The Government Resolution in question contains correspondence with the Government of India and cannot be laid on the table. A copy* of the petition is placed on the Council Table. **Vide* Appendix V.
9. Will Government be pleased to give the details of the schemes of revision for which lump provisions are made in the Budget for 1920-21 in items Nos. 1, 422, 444 and 470? Budget Items 1, 422, 444 and 470: 1920-21.	9. The revision of pay of establishments in all Departments is under the consideration of Government and details are not at present available.

QUESTIONS AND ANSWERS.

[2ND AUGUST 1920.] [*Rao Bahadur S. D. Garud.*]

Questions.

10. Will Government be pleased to state :—

Arunavati bridge, Shirpur, West Khandesh.

(*a*) Whether the people of Shirpur in West Khandesh have raised and deposited in the Government Treasury popular contribution for the building of the Arunavati bridge ?

(*b*) Whether the same was raised on account of official assurances that adequate help will be given by Government and that work will be immediately taken up ?

(*c*) What is the amount of the popular contribution ?

(*d*) When it was collected ?

(*e*) Why the work was so long delayed ?

11. Will Government be pleased to lay on the Table the following information regarding East and West Khandesh districts respectively for the years 1908-09 and 1918-19, *viz.* :—

Information regarding Khandesh District.

(*a*) the total income from (*i*) land revenue, (*ii*) excise revenue and (*iii*) income tax revenue ;

(*b*) total revenue from all other heads ;

(*c*) total mileage of (*i*) local board, (*ii*) provincial, (*iii*) forest roads ;

(*d*) total income of District Local Boards ;

Answers.

10. (*a*), (*b*), (*c*), (*d*) and (*e*) Inquiry is being made.

11. (*a*) The Honourable member is referred to the annual administration reports on the subjects in question for the respective years, which contain the requisite information. As income tax revenue figures by districts are not available from the year 1918-19, information regarding them will be called for.

(*b*) It is not clear what definite heads are meant by the Honourable Member. They should be clearly specified.

(*ii*) (*c*) Information under all the three heads specified for the year 1908-09 and under the third head for the year 1918-19 will be called for. Information under the first two heads for the year 1918-19 is as follows :—

	Provincial	Local Board.
	Mls. fur.	Ft. m. f.
East Khandesh district.	138 7	220 325 2
West Khandesh district.	233 4	0 117 4

Information regarding Local Fund roads relates to those repaired by the Public Works Department. No information is available regarding mileage repaired by District Local Boards themselves.

(*d*) For information regarding the year 1908-09 the Honourable Member is referred to the tabular statements appended to the Report of the admin-

QUESTIONS AND ANSWERS.

[*Rao Bahadur S. D. Garud; Shaikh Ghulam Hussein Hidayatallah.*] [2ND AUGUST 1920.]

Questions.	*Answers.*
	istration of Local Boards for that year. The income of the two District Local Boards for the year 1918-19 was as follows:—
	Rs.
	East Khandesh ... 7,72,530
	West Khandesh ... 2,98,003
(*e*) total area under cultivation;	(*e*) The Honourable Member is referred to the Land Revenue Administration Reports for the respective years, which contain the required information.
(*f*) total number of primary and secondary schools;	(*f*) The Honourable Member is referred to the supplement to the Annual Reports of the Director of Public Instruction for the respective years, which give the required information.
(*g*) total provincial grants received by each District for educational and other purposes during the period 1907-08 to 1918-19?	(*g*) So far as educational purposes are concerned, the Honourable Member is referred to the reply to clause (*f*). It is not clear what other purposes are referred to in this clause. They should be clearly specified.
THE HONOURABLE SHAIKH GHULAM HUSSEIN HIDAYATALLAH, B.A., LL.B.	
1. Will Government be pleased to state—	
(*a*) if all the recommendations of the Sind Mahomedan Education Committee. Sind Mahomedan Education Committee appointed by Government have been, or are proposed to be, carried into effect;	1. (*a*) and (*b*) The attention of the Honourable Member is invited to the extracts from paragraphs 4 to 49 of Government Resolution No. 1762 dated the 12th July 1918, forming an accompaniment to Press Note No. 2227 dated the 30th August 1918. The further progress made in carrying into effect the recommendations of the Committee is indicated in the accompanying statement.*
(*b*) if not, what recommendations have not been, or are not proposed to be, carried into effect; and for what reasons?	
[*This question was asked at the meeting held on the 10th December 1919 when an* ad interim *reply was given.*]	
	* *Vide* Appendix I.
2. Will Government be pleased to state Gift to education: Sind. what has been done about one lakh of rupees that has been given by Khan Bahadur Mir Ghulam Mahomed Khan, O.B.E., of Tando Bago, for education in Sind?	2. The money has been deposited in a bank, and it has been decided to start an Anglo-Vernacular School at Tando Mahomed Khan for which a site has been selected and plans and estimates are being prepared.
[*This question was asked at the meeting held on the 13th March 1920 when an* ad interim *reply was given.*]	
3. Will Government be pleased to Mahomedan Education. state what powers and facilities, if any, have been given to the special Mahomedan Deputy Educational	3. Enquiries are being made.

QUESTIONS AND ANSWERS.

[2ND AUGUST 1920.]

[*The Honourable Sardar Gulam Jilani; The Honourable Mr. B. S. Kamat.*]

Questions.

Answers.

1. Will Government be pleased to state—

Mahomedan Deputy Educational Inspector.

(*a*) Whether it is a fact that no Mahomedan is holding the post of Deputy Educational Inspector of Schools in the Northern and Central Divisions?

1. (*a*) No. In addition to the Special Urdu Deputies for these Divisions, there is a Mahomedan Deputy at Thana in the Northern Division.

(*b*) Whether it was not decided that at least one Mahomedan will be appointed to serve as a District Deputy?

(*b*) Government are not aware of any such decision.

2. Will Government be pleased to state

Mahomedan students in training classes.

(*a*) how many Mahomedan students have been admitted in all the newly started training classes and schools in the different Districts of this Presidency?

2. (*a*) and (*b*) Enquiries are being made.

(*b*) Whether it is a fact that since the establishment of the Urdu training classes in Poona many Mahomedan students have been discouraged or refused admission from joining the District training classes on the plea of an existing institution especially meant for Mahomedan teachers?

3. Will Government be pleased to state

Mahomedan Head Masters.

how many Mahomedans have been appointed as Head Masters of High Schools in this Presidency?

3. One.

4. Will Government be pleased to state

Anglo-Urdu Schools.

how many Anglo-Urdu Schools there are in the Central and Northern Divisions?

4. The information is being obtained.

5. Will Government be pleased to state

Mahomedan professors.

how many Mahomedan lecturers and professors have been raised to the Indian Educational Service?

5. There is no Mahomedan amongst the four members of the Provincial Educational Service who have been promoted to the Indian Educational Service. The question of further promotions to that service is under the consideration of Government.

THE HONOURABLE Mr. B. S. KAMAT.

1. (*a*) With reference to the general

Pay of clerical establishments.

revision of pay of clerical establishments proposed by Government this year (*vide* Circular No. 8311, Financial Department, of 6th December last), will Government be pleased to lay on the Council table a statement showing with reference to the Revenue Department the number of clerical and other subordinate appointments affected, the rates of pay in force at present, and the total annual costs for the establishments for all the districts?

1. (*a*) Already answered.

QUESTIONS AND ANSWERS.

[*Mr. B. S. Kamat.*] [2ND AUGUST 1920.]

Questions.

(*b*) Will Government also give figures of the total outlay on account of war allowance for the above?

Answers.

(*b*) The total expenditure during the year 1919-20 on account of war allowance to the clerical and other subordinate establishments in the Revenue Department amounted to Rs. 11,29,490, *viz.*, Rs. 9,08,654 for the Presidency proper and Rs. 2,20,836 for Sind.

2. With reference to the Hydro-electric scheme by the Tata Power Company in the Poona District, will Government be pleased to furnish the following information:—

Hydro-electric scheme, Tata Power Company.

What is the number of villages likely to be submerged by the dam, the number of landholders, and the total population likely to be affected?

2. The number of villages likely to be submerged is 39. About 2,594 landholders and a total population of 7,888 persons are likely to be affected.

3. Will Government be pleased to say—

Country liquor shops.

(*a*) How many shops for the vend of country liquor in the Presidency had to be re-auctioned last year owing to the licensees having failed to carry out their contracts, and what was the loss or gain to Government by the re-auctioning?

3. (*a*) The information required is given in the following table:—

District.	Number of shops re-auctioned.	Gain on re-sale.	Loss on resale.
		Rs.	Rs.
Kaira ...	1	...	3,400
Surat ...	1	15	...
Thana ...	8	286	37,613
Kánara ...	4	143	..
Belgáum ...	4	137	48
Bijápur ...	2	...	2,006
Sátára ...	1	63	...
Násik ...	26	...	2,28,287*
West Khándesh ...	5	...	16,668
East do. ..	2	...	975
Total ...	54	644	2,83,997

* Orders for the recovery of Rs. 1,07,375 from the defaulting licensees have been issued, but it cannot be stated at present how much of it will be recovered.

(*b*) Is the auction system to be continued after the 1st of April next?

(*c*) Is the number of country liquor shops in the Presidency proposed to be generally kept the same for next year?

(*b*) and (*c*) Reply already given.

4. (*a*) Are Government aware of a universal feeling prevailing amongst the inhabitants of Poona City that the health of the town has been adversely affected owing to the defects in the Poona City drainage works?

Health statistics of Poona City.

(*b*) Will Government be pleased to say if the Sanitary Commissioner to Government has looked into the comparative statistics of the health and mortality of city in the pre-drainage days and since the construction of the drainage system?

4. (*a*) The assertion is often made that the institution of a sewerage system in Poona has adversely affected the public health of that City; but such assertions are usually made in the beginning in respect of all towns which adopt modern methods of sanitation.

(*b*) Yes.

QUESTIONS AND ANSWERS.

[2ND AUGUST 1920.] [*Mr. B. S. Kamat.*]

Questions.	*Answers.*
(*c*) If the answer is in the affirmative will Government please say if he has arrived at a conclusion justifying the prevalent belief?	(*c*) No.
(*d*) If the answer is in the negative, will Government be pleased to furnish comparative figures bearing on the mortality and the disease in Poona City, say during three years prior to the commencement of the drainage as well as since the construction of the drainage?	(*d*) The attention of the Honourable Member is invited to the accompanying table* of vital statistics of Poona City and the foot-note to it. * *Vide* Appendix J.
[*These questions were asked at the meeting held on the 13th March 1920, when* ad interim *replies were given.*]	
5. Will Government be pleased to say—	5. (*a*) and (*b*) The pay of the vaccinators was last revised in April 1919. Applications for revision of pay have since been received and are being considered departmentally in consultation with the local bodies who bear the charges. No special scheme of revision has been called for.
(*a*) if they have received any representations from the vaccinators in the Central Division, either direct or through the Head of the Department praying for a revision of pay; if so, how have they been dealt with? (The pay of vaccinators.)	
(*b*) Whether Government have called for a scheme of revision of pay for the Vaccinators from the Sanitary Commissioner, in the same way as in the case of Subordinate establishments in other Departments; if so, whether a scheme has been received by Government and is under consideration? When was the vaccinators' pay revised last?	
(*c*) Whether pending a revision of pay, if any, vaccinators are receiving temporary and provisional allowances in lieu of the war allowance sanctioned for Government servants in certain Departments under Government Resolution, No. 210 of 1920, Financial Department?	(*c*) Yes.
6. Have Government noticed in the columns of the *Kesari* of Poona, dated the 15th and 22nd June, statements to the effect that Mr. Simcox, while the Collector of Sholapur, raised funds from the public for a proposed Dharamshala for pilgrims at Pandharpur? If so, will Government be pleased to state the facts of the case and the steps, if any, taken by Government in the matter? (Proposed Dharamshala in Pandharpur.)	6. The Honourable Member is referred to the answer given to question No. 13 put by the Honourable Mr. D. V. Belvi.
7. (*i*) Are Government aware of great inconvenience being caused to the public for want of a bridge over the Nala at Agadi, Taluka Karajgi, District Dharwar, especially during the rains? (Nala bridge at Agadi, Taluka Karajgi, Dharwar.)	7. (*i*) Government have not received any complaints regarding the inconvenience.

QUESTIONS AND ANSWERS.

[*Mr. B. S. Kamat.*] [2ND AUGUST 1920.]

Questions.	*Answers.*
(*ii*) Is it a fact that when the Nala is inundated in the rains, mails to six different Post Offices serving a large number of villages around the tract are undelivered for days together?	(*ii*) No. When the nala is in floods the mail runners take a somewhat circuitous route and reach their destination only a few hours late.
(*iii*) Is it a fact that this subject has been brought to the notice of Government many times through the district durbars held at Dharwar?	(*iii*) No. The matter was brought to the notice of the Collector in the District Durbar held at Dharwar, in October 1915. The Collector then referred it to the local Public Works Department officers. The preparation of a project for the work was, however, held over owing to the financial stringency caused by the war.
8. Will Government be pleased to state, with reference to the answers to my question No. 7 at the March meeting of the Council, regarding Distillery Contractors, Messrs. Carew and Company— Messrs. Carew & Co., Distillery Contract.	8. (*a*) and (*b*) Government are awaiting the report of the Commissioner of Customs, Salt and Excise on the result of the examination of the Company's audited accounts.
(*a*) if Government have now examined the accounts of this Company;	
(*b*) what has been the total loss to Government owing to the fault of the Company in carrying out their contract;	
(*c*) the amount of cash advance that was made by Government to help them; and	(*c*) Advances aggregating Rs. 1,99,000 have been made to the Company.
(*d*) the amount of remission, if any, Government were pleased to grant them?	(*d*) The matter will be considered on receipt of the report referred to above.
9. Will Government be pleased to state, with reference to the new contracts for the supply of country spirit, proposed to be given from the 1st of August 1920 for the town and island of Bombay and surrounding districts, if tenders have been called for from distillers; if so, will Government be pleased to give the names of the tendering firms? Distillers: new contracts.	9. Tenders were called for but none were received.
10. Will Government be pleased to state—	10. (*a*), (*b*) and (*c*) Inquiry will be made.
(*a*) if it is a fact that since April last, certain liquor shops in Thana and Kolaba districts had to remain closed for certain days owing to irregular supply; Liquor shops: Thana, Kolaba.	
(*b*) if any loss has been caused to Government on this account;	
(*c*) if so, how much?	
11. Will Government be pleased to state when the Deolali Distillery is expected to be ready, and what area of supply it is designed to serve? Deolali Distillery.	11. It is not yet possible to say when the distillery will be ready, nor what areas it will be able to serve.

QUESTIONS AND ANSWERS.

[2ND AUGUST 1920.]

[*Sardar Dulabawa Raisingji, Thakor of Kerwada.*]

Questions.

Answers.

THE HONOURABLE SARDAR DULABAWA RAISINGJI, THAKOR OF KERWADA.

1. Is it a fact that talukdars holding 91 Dokdas' Bhag or Bhunkoda applied for releasing their estates from the management of the Talukdari Settlement Officer?

Talukdari Estate of Bhunkoda.

1. No.

2. Is it a fact that the estate of Makhiawa was taken under the management under section 28 of the Gujarat Talukdars' Act as per Government Order No. 2117, dated 6th March 1914, only for one year, and although the period of one year expired five years ago and in spite of the protest of the widows of the late Thakor, the management is still continued?

Talukdari estates of Makhiawa.

2. The estate was originally taken under management as stated. In 1915 it was mortgaged with possession to Government as security for a Government loan. This loan has now been repaid and the estate has been returned to the talukdar.

[*These questions were asked at the meeting held on the 13th March 1920, when* ad interim *replies were given.*]

3.* (*a*) Is it a fact that certain talukdars filed a suit No. 59 of 1917 in the District Court at Ahmedabad against the Talukdari Settlement Officer?

Civil suit by certain talukdars.

3. (*a*) Yes.

(*b*) Will Government be pleased to state the decision of the suit by the District Court and whether any injunction was issued by that Court.

(*b*) The suit is still under decision; an *ex parte* temporary injunction was issued and subsequently withdrawn.

4. Will Government be pleased (*a*) to place on the Council Table the report of Mr. Kent on the subject of provincialising roads in Gujarat?

Provincialising local roads.

4. (*a*) Mr. Kent did not make any report on the subject of provincializing roads in Gujarat.

(*b*) to say how many roads have been provincialised this year?

(*b*) Twenty-three roads in the Northern Division as shown in the accompanying statement† were provincialized with effect from 1st April 1920.

†*Vide* Appendix Z.

5. Will Government be pleased to state with reference to my question No. 5 at the last Council meeting whether in all these Talukdari villages police patels are paid by the Talukdars?

Talukdari villages in Ahmedabad District.

5. Yes.

* This question was asked at the meeting held on the 13th March 1920. The answer to it was not then ready.

QUESTIONS AND ANSWERS.

[*Sardar Dulabawa Raisingji, Thakor of Kerwada; Mr. C. V. Mehta.*] [2ND AUGUST 1920.]

Questions.	*Answers.*
6. Will Government be pleased to state (*a*) how many estates have been released from the management of the Talukdari Settlement Officer, Ahmedabad, this year? Management of Talukdari estate.	6. (*a*) and (*b*) Information will be called for.
(*b*) how many Talukdari estates have been under the management for more than 30 years?	
THE HONOURABLE MR. C. V. MEHTA, LL.B.	
1. (*a*) Will Government be pleased to state the names of the contractors to whom the lime kunkur fields in the island of Salsette have been farmed out for the last 15 years? Salsette lime contract.	1. (*a*) The following are the names of the contractors :— Ali Mahomed Kassum & Co. Haji Umer Haji Adam. Haji Ibrahim Aba & Co. Appaji Sadashive Dongre. Ali Saheb Haji Miya Faki. Ali Mahomed Haji Kasam & Co. Haji Tarmahomed Haji Ibrahim Patel. Abdul Rahiman Issa. Kasam Aba Juma. Miya Ahmed Haji Alli. Miya Ahmed Ismail & Co. Haji Usman Haji Ismail. Suleman Tayab. Ali Mahomed Haji Vali Mahomed. Mahommed Aba Juma. Dada Abba Jumma. Haji Suleman Haji Jusab. Suleman Aba Mahommed. Haji Ismail Haji Mahomed. Haji Jusab Haji Vali. Haji Mahomed Haji Vali Mahomed. Haji Ibrahim Mahommed. Ismail Haji Ali. Names of Contractors for the years 1908-09 and 1910-11 and 1911-12 have not been included as the records for these years have been destroyed.
(*b*) Will Government be pleased to state the terms and conditions of the contract?	(*b*) A copy of the memorandum of the conditions prescribed for the farm of the years 1905-06 to 1907-08 is appended.* In the case of the farm for the years 1908-09 to 1910-11 the following was added at the beginning of condition No. 10 :— "The right to remove lime stone under the contract will extend over the bed of the sea and the land lying within the port limits of all the sea-coast villages within the area of the farm. The contractor shall however bind himself in writing to cause no injury to the port."

QUESTIONS AND ANSWERS.

[2ND AUGUST 1920.] [*Mr. B. S. Kamat.*]

Questions.

12. Will Government be pleased to state the number of existing distilleries in the Presidency, their location, the names of the contractors working the same, and the periods when their contracts terminate?

Existing distilleries and contracts.

Answers.

12. The information is furnished in the following statement:—

Name and locality of the distillery.	Names of supply contractors.	Date of expiry of contract.
Godhra distillery in the Panch Mahals district.	Messrs. Dalal, Vakil and Company.	31st March 1922.
Surat distillery in the Surat district.	Messrs. Boyce D. Cowasji and Company.	Do.
Mundhwa distillery in the Poona district.	Messrs. Nowroji Padamji and Company.	Do.
Dhulia distillery in the West Khandesh district.	Messrs. Sorabji and Kawasji Dadabhoy Dubash.	Do.
Khanapur distillery in the Belgaum district.	The Khanapur Distillery Company.	31st March 1921.
Wadia* distillery in the Sankheda Mewas.	Mr. Jamshedji Nusserwanji Ginwalla and Sons.	31st March 1923.
Dabhoda distillery in the Mahi Kantha.		

*Temporary.

13. Will Government be pleased to say if they contemplate any material change in the auction system of the disposal of the privilege of vend of country liquor after the termination of the present term, namely, after the 31st of March 1921?

Vend of country liquor.

13. No.

14. Will Government be pleased to state—

(*a*) how many years Mr. S. D. Smith, Deputy Commissioner of Salt and Excise, C. D., has been serving in Bombay without a transfer since his service in the Excise Department;

Deputy Commissioner, Salt and Excise, C. D.

(*b*) if any other officer in that Department has had before him an equally long service in Bombay?

14. (*a*) Thirteen years.

(*b*) Yes.

15. Will Government be pleased to furnish comparative figures from typical districts showing whether since the auction system of the disposal of country liquor-shops as against the fixed fee system, cases of corruption detected in the inspecting staff of the Excise Department have been increasing or decreasing?

Excise Inspecting Staff.

15. No such figures are available.

16. Will Government be pleased to state if Government have received from the talatis of the Northern Division representations praying for a revision of their pay?

Representations by Talatis.

16. Yes.

17. Will Government be pleased—

(*a*) to state, with reference to malaria at Lonavla and Khandala, if it is a fact that a Committee, appointed by Government with the Sanitary Commissioner and Sanitary Engineer as

Malaria: Lonavla, Khandala.

17. (*a*) Yes.

QUESTIONS AND ANSWERS.

[*Mr. B. S. Kamat.*] [2ND AUGUST 1920.]

Questions.	*Answers.*
members, has found after investigation that the cause of the malaria is leakage from the Lakes of the Tata Hydro-electric Power Company, and the swamps due to the leakage?	
(*b*) to say in this connection (i) if, with a view to prevention of malaria this Committee has recommended that cane and rice cultivation in certain areas near Lonavla and Khandala should be prohibited by the acquisition of those areas for the Tata Company; (ii) if the Tata Hydro-electric Company has carried out so far all the schemes for the draining of those swamps as recommended by the Committee; (iii) if, amongst these, a proposal to drain swamps near the Khandala Convalescent Home has been carried out; (iv) if any such schemes have not yet been carried out, what steps Government are taking to ask the Tata Hydro-electric Company to expedite the work in the interest of the health of a large number of residents of Lonavla and Khandala whose properties are affected injuriously by the leakage swamps?	(*b*) (i) Yes. (ii) The Company has carried out certain schemes in part and it is hoped that they will be completed without undue delay. (iii) and (iv) The Collector of Poona has been asked to ascertain and report whether the Company agrees to construct as drain so as to carry off the water from all flat areas including the one near the Khandala Convalescent Home.
18. Will Government be pleased to say, with reference to the increased rates of pay, recently sanctioned by Government for clerical establishments in the mofussil? (Clerical establishments—revised pay.)	18. (*a*) Yes.
(*a*) if they have received complaints from clerks who have already put in a length of service under the old rates of pay that they will suffer a hardship in the matter of their revised pay in comparison with men junior to them who may be recently promoted or who may be newly recruited under the revised scale?	
(*b*) if Government have received petitions in this connection praying that in calculating the pay to be drawn according to the new revision by such clerks with a length of service, their *total* length of service should be counted for purposes of advanced increments and not only the service on their *present* pay?	(*b*) Yes.
(*c*) if such requests are receiving the sympathetic consideration of Government or whether Government have arrived at any decision in the matter?	(*c*) Government have decided to adhere to their original proposals which alone allow calculation of cost and prompt orders.
(*d*) whether in the case of the revision of pay of subordinate establishments in Bombay,—Government intend to be pleased to make the time-scale applicable to men who are in service for a number of years according to the length of their service?	(*d*) No, for the reasons given in (*c*).

QUESTIONS AND ANSWERS.

[2ND AUGUST 1920.] [*Mr. C. V. Mehta.*]

Questions.

Answers.

In the year 1911-12 the conditions were altered. A copy of the conditions prescribed for the farms for the years 1911-12, and 1912-13 to 1918-19 is also appended.* While granting the farm for the years 1919-20 to 1921-22 the following amendments were made :—

(1) Old condition No. 10 was added to condition No. 1 with the addition of the words "inter alia" between "will" and "extend" in the first sentence thereof.

(2) The following addition was made at the end of old condition No. 2 :—

"The contractor is not to sublet the farm or take in partners except with the express permission of the Collector."

* *Vide* Appendices K and L.

(3) The following was added as a new condition :—

"The Collector is not bound to accept the highest or any other bid."

2. (*i*) Will Government be pleased to say with regard to presidents and vice-presidents of taluka local boards in the Presidency Proper and Sind.

Local Boards: Non-official Presidents.

2. (*i*) (*a*) The portion of the question relating to presidents has already been answered. As regards vice-presidents, the following table will furnish the information required by the Honourable Member :—

Division.	No. of taluka local boards having non-official vice-presidents.	No. of taluka local boards having official vice-presidents.
N. D. ...	36	5
C. D. ...	51	14
S. D. ...	50(out of 51)*	Nil
Sind ...	53	6

* The remaining board is the Ranebennur Taluka Local Board, which has not elected a vice-president as its president is not a salaried servant of Government.

(*a*) How many boards in each Division have official presidents and vice-presidents, and how many non-officials holding the offices ?

(*b*) If any attempt has been made in Sind to substitute official presidents and vice-presidents by non-official ones ?

(*b*) An attempt has been made ; and in 53 out of 59 taluka local boards non-officials have been appointed to be vice-presidents. No non-official presidents have been appointed, as those who would be acceptable to the rural population of the talukas seldom reside at taluka headquarters, have very little literary education, and no experience of administration.

(*ii*) Will Government be pleased to say what District Local Boards in Sind have non-official presidents and vice-presidents ?

(*ii*) This has already been answered.

[*These questions were asked at the meeting held on the 10th December 1919, when* ad interim *replies were given.*]

QUESTIONS AND ANSWERS.

[*Mr. C. V. Mehta.*] [2ND AUGUST 1920.]

Questions.

Answers.

3. (*a*) Will Government be pleased to state the names of Kalambandi villages of Matar taluka, Kaira district, with the extent of land under cultivation and irrigation in each?

Kalambandi villages, taluka Matar, district Kaira.

(*b*) * * *

(*c*) (i) Was water from Khari river regularly supplied to such lands during the last five years?

(ii) If not, will the Government be pleased to state why and in which years it was not so done?

(iii) Was any remission granted for the years in which water could not be supplied?

(iv) If so, what is the area for which remission was granted and the amount so remitted?

[*This question was asked at the meeting held on the 13th March 1920, when an ad interim reply was given.*]

3. (*a*) and (*c*) A statement† giving the required information is placed on the Council Table.

† *Vide* Appendix M.

*4. (*a*) Are Government aware that several fatalities have occurred at the bathing sands at Versova and Juhu?

Drowning accidents: Bathing sands at Versova and Juhu.

(*b*) Will Government please state the number of such accidents during the last five years?

4. (*a*) Yes. There is a spot (on the Juhu-Versova sands) where cross currents and quick sands make bathing dangerous; but much depends upon the state of the tide.

(*b*) The following are the number of bathing fatalities during the last five years—

	Versova.	Juhu.
1915	...	1
1916	...	...
1917	1	1
1918	...	1
1919	1	...
	2 +	3=5

(*c*) Is it proposed to take any action?

(*c*) The question of a notice board, for the information of those who do not know the locality, is under consideration.

5. Will Government be pleased to state:—

(*a*) the principles on which and the officers by whom the efficiency bar is applied in the Police Service?

Police Service: efficiency bar.

(*b*) the principles on which the list of superintendents of Police considered fit to hold charge of a first class district, contained in Government Resolution No. 6773, dated 14th August 1919 was prepared?

(*c*) How many officers appealed against the list?

5. (*a*) The efficiency bar in the junior scale is applied to an officer who is not considered fit for a superior appointment and in the senior scale to an officer who is not considered fit to be put in charge of a first class district. The decision rests with Government.

(*b*) The lists were prepared on a consideration of the records of the officers concerned.

(*c*) Three.

*This question was asked at the meeting held on the 13th March 1920. Answer to it was not ready.

QUESTIONS AND ANSWERS.

[2ND AUGUST 1920.]

[*Mr. C. V. Mehta: Rao Bahadur V. S. Naik.*]

Questions.

Answers.

(*d*) Whether the officers against whom the bar is applied are told the reasons for same and whether they have any opportunity to get the bar removed by future efficiency in their work?

(*d*) Government are prepared to inform any individual officer of the reasons for applying the efficiency bar. If an officer to whom the bar has been applied subsequently gives proof of his efficiency to the satisfaction of Government the bar will be removed.

6. Will Government be pleased to state—

Land for tennis courts.

(*a*) On what authority has the disposal of the plot of ground to the North of the Marine Lines Station on the B. B. & C. I. Railway been made?

6. (*a*) Under the authority of the Bombay City Land Revenue Act.

(*b*) By whom is it now occupied?

(*b*) By the Girls' Guides Association in India.

(*c*) Is it available for Tennis Courts for any of the neighbouring Gymkhanas who are now badly in need of land?

(*c*) No.

THE HONOURABLE RAO BAHADUR V. S. NAIK.

1. Will Government be pleased to say how many of the graduates in each division who entered service in the Revenue Department before 1904 have still remained without getting Mamlat or offices equal in rank to Mamlat?

Graduates and Mamlat.

1. 3 in the Northern Division;
2 in the Central Division;
9 in the Southern Division.

Six of those in the Southern Division are at present acting as Mamlatdars.

2. (*a*) Are Government aware that recently large stocks of grass stored by rayots as fodder on their farms near the railway lines and many Gavali huts who have settled for a very long time, some even prior to the introduction of railway, towards the west of Dhárwár, took fire and were completely destroyed causing damage to the extent of thousands of rupees as the result of engine drivers of the M. & S. M. Railway carelessly and wantonly blowing sparks in the air?

Fire caused by engine drivers.

2. (*a*) and (*b*) The following damage is reported to have been caused by fire during the last 5 years:—

District.	Táluka.	Locality.	Nature of Material.	Amount of damage.
				Rs.
Belgaum	Khánápur ...	Kodagai ...	Straw and husked rice.	100
		Machali ...	Huts, straw, corn, etc.	1,300
		Shedegali ...	Rice straw ...	30
Bijápur	No damage reported.			
Dhárwár.	Dhárwár ...	Kelgeri ...	Grass ...	300
Kánara...	Supa Petha ...	Tinai ...	Grass ...	15
			Total ...	1,745

(*b*) Will Government be pleased to make enquiries whether similar damages were caused to the rayots almost every year and collect information for the last 5 years as to on how many occasions the grass stored took fire along the railway lines as the result of sparks being blown from the railway engines and the extent of damage caused on each occasion by such fires and lay the same on the Council Table?

[*These questions were asked at the meeting held on the 13th March 1920, when* ad interim *replies were given.*]

QUESTIONS AND ANSWERS.

[*Rao Bahadur V. S. Naik.*] [2ND AUGUST 1920.]

Questions.	*Answers.*
3. Will Government be pleased to furnish the following information, separately for each of the marginally noted services in respect of all officers named in the service lists published in the latest edition of the Bombay Civil List? Cost and number of certain appointments. List of services. 1. I. C. S. 2. P. W. D. 3. I. Forest S. 4. I. Police S. 5. I. Edcl. S. 6. I. M. S. (*i*) What is (*a*) the number and (*b*) the aggregate cost per month in pay and allowances of appointments (whether within or without the Presidency, and whether directly under Government or not) *carrying higher remuneration than the maximum attainable under the ordinary time-scale* by any officer not stopped by the efficiency bar? (*ii*) What is (*a*) the number and (*b*) the aggregate cost per month, over and above the pay admissible to the holders under the ordinary time-scale, of appointments (whether within or without the Presidency and whether directly under Government or not) carrying (*i*) special rates of pay, but within the normal time-scale maximum; or (*ii*) special allowances, other than conveyance, travelling, local and sumptuary allowances?	3. The Honourable Member is referred to the Civil List for July 1920—to be shortly issued—which will contain information regarding pay of officers according to the new time-scales.
4. Will Government be pleased to name the appointments referred to in sub-sections (*i*) and (*ii*) of question 1 above which are held by members of the I. C. S.? Appointments held by the Indian Civil Service.	4. The Honourable Member is referred to the Civil List for July 1920—to be shortly issued—which will contain information regarding pay of officers according to the new time-scales.
5. Will Government be pleased to say whether it is a fact that graduates directly recruited in the Southern Division under rules of 1910 have been recently appointed to Mamlat in preference to the graduates fully qualified for Mamlats under the old rules? Appointments to Mamlat: Southern Division.	5. Enquiry will be made.
6. Will Government be pleased to say— (*a*) how many graduates directly recruited under rules of 1910 have been appointed as Mamlatdars or to offices equal to or higher in rank than Mamlats during the last three years in preference to those that entered service under old rules and were fully qualified to hold mamlats? Appointments to Mamlat: New rules.	6. Information will be called for.

QUESTIONS AND ANSWERS.

[2ND AUGUST 1920.] [*Rao Bahadur V. S. Naik.*]

Questions.	*Answers.*
(*b*) if there are still any graduates who have entered service under 1885 rules and who have not yet got mamlats although they are fully qualified to hold such posts?	
(*c*) if there are any such graduates, for what reason these graduates have been held back from being made Mamlatdars?	
7. Will Government be pleased to say whether they have proposed to Government of India a revision in the grades and pay of the Mamlatdars? (Grades and pay of Mamlatdars.)	7. The Government of India are being addressed.
8. (*a*) Will Government be pleased to say whether the Honourable Justice Hayward has made any proposals to Government in connection with the revision of the jurisdiction of the Subordinate Judicial Courts in the Dharwar District, location of additional Sub-Judges and opening of new courts in certain talukas of the Dharwar District? (Subordinate Courts: District Dharwar.)	8. (*a*) The High Court have made certain proposals for the revision of the jurisdiction of the Subordinate Courts in Dharwar District and for the creation of a new Court at Ranebennur.
(*b*) If so, what action they have taken to give effect to the Honourable Justice Hayward's suggestions as far as Dharwar District is concerned as announced by Government in reply to the discussion on the Honourable Mr. Upasani's resolution No. 3 about the extension of the Taluka Courts at the March sessions of the Legislative Council?	(*b*) These proposals are still under the consideration of Government.
9. Will Government be pleased to say—	
(*a*) Whether it is a fact that they have recently formed a standing Provincial Agricultural Board consisting of officials and non-officials to advise Government in the matter of development of agricultural activities in this Presidency? (Agricultural Advisory Board.)	9. (*a*) Government have sanctioned a Provincial Board of Agriculture for the purposes indicated.
(*b*) If so, whether any non-official gentleman from the Southern Division has been nominated upon the Board?	(*b*) Three non-official gentlemen from the Southern Division were nominated for the session of June 1920.
10. Will Government be pleased to say—	
(*a*) whether it is a fact that the theatrical companies when they are on tour are required to obtain under the Dramatic Performances Act, at each and every place, permission from the local authorities to play even standard dramas which have been printed, have not been proscribed by Government and are being performed for years together? (Theatrical touring companies.)	10. (*a*) and (*c*) Rules* framed under the Dramatic Performances Act, XIX of 1876, and section 39-A of the District Police Act, and the instructions to Magistrates as to the working of the same are placed upon the table.

Vide Appendix AA.

QUESTIONS AND ANSWERS.

[*Rao Bahadur V. S. Naik; Mr. R. P. Paranjpye.*] [2ND AUGUST 1920.]

Questions.	*Answers.*
(*b*) whether Government are aware that the granting of such permission being entirely upon the discretion of local authorities, it is refused in some places in respect of some dramas although permission to perform the same dramas is given by the authorities at other places and thus causes a great inconvenience and hardship to these theatrical companies in the mofussil?	(*b*) Government have no information that these rules are so worked as to cause inconvenience or hardship.
(*c*) whether Government have laid down any principles for granting or refusing permission to perform these dramas.	
11. Will Government be pleased to say whether it is a fact that the Dharwar Municipality had exempted certain merchants, some of whom were Municipal councillors, from payment of octroi on goods imported by them into the municipal areas?	11. Government have no information on the subject. Inquiry is being made.

Dharwar Municipality: Octroi dues.

THE HONOURABLE MR. R. P. PARANJPYE.

1. (1) Did the strike of mill-hands of Sholapur begin on 26th January 1920?	1. (1) Yes.
(2) Is it true that Messrs. Manikchand, Strutton, Khan Saheb Imam, retired police officer, C.I.D., and others formed themselves into a committee to intervene between the mill-hands and the mill-owners at the instance of the Collector?	(2) Mr. Strutton volunteered to do his best to arrange a settlement by meeting the strikers. The District Magistrate suggested his taking with him one Hindu and one Musalman gentleman who had no connection with the mills. Accordingly he took K. S. Imam and Mr. Manikchand, after consultation with the District Magistrate and others.
(3) Is it not true that the second committee consisting of Messrs. V. N. Sathaye, retired Deputy Collector and honorary first class Magistrate, and others along with strikers' representatives of the mill-hands from each mill, was formed to supersede the first committee in the morning of 28th January?	(3) A second committee was formed on 28th January 1920, of which Mr. Sathaye became Chairman. It did supersede the first, but Government is not aware that it was formed with that intention.
(4) Is it true that Messrs. Manikchand, Samant, Strutton, Laxmi Narayan and Dhumina met at the bungalow of Mr. V. N. Sathaye in the afternoon of 28th January 1920 to confer with the representatives of the mill-hands?	(4) Yes. This is believed to be the case.
(5) Is it true that during the progress of this meeting at Mr. V. N. Sathaye's bungalow, Mr. Strutton got a letter from the Collector and that the former	(5) Mr. Strutton left the meeting, not in consequence of any letter from the District Magistrate, but because he was not satisfied with the demand framed

Strike of mill-hands: Sholapur.

QUESTIONS AND ANSWERS.

[2ND AUGUST 1920.] [*Mr. R. P. Paranjpye.*]

Questions.	*Answers.*
left the meeting stating that he did not wish to work on the committee?	by the new committee. The District Magistrate himself requested Mr. Strutton to remain on any committee that was formed, in order to moderate the demands if possible.
(6) Is it true that Mr. Manikchand followed Mr. Strutton?	(6) Yes.
(7) Is it true that Messrs. Manikchand and Strutton saw the Collector in this connection that evening?	(7) Yes.
(8) Was Mr. V. N. Sathaye sent for by the Collector on 28th January 1920?	(8) Yes.
(9) Did not Mr. Sathaye visit the Collector late in the evening along with two other gentlemen?	(9) Yes.
(10) Did not the Collector insult Mr. Sathaye at this interview and threaten him that if he intervened, he would hold Mr. Sathaye responsible for any breach or bloodshed?	(10) The answer to the first part of the question is in the negative; as regards the latter part, the District Magistrate told Mr. Sathaye that he was not justified as a Magistrate in forming any committee at that juncture without consulting him (the District Magistrate). He also warned him that if rioting ensued Mr. Sathaye and the committee would be in no small measure responsible for it.
(11) Were the mill-hands holding large meetings on Hom Maidan up to and inclusive of 15th February 1920?	(11) Yes.
(12) Is it true that police officers were present at such meetings?	(12) Yes.
(13) Is it true that in reply to the petition from the strikers the Collector insisted on Mr. Strutton being elected as one of the representatives?	(13) Yes, as a representative of the Criminal Tribes Settlement.
(14) Was there any indication of disturbance of peace on the part of mill-hands up to 16th February 1920?	(14) On the 26th January the strikers from the old mill attacked the Vishnu Mill, and their violence brought the hands out. Stones were thrown and at least one Police Officer was injured. As to the men's attitude of the 28th, there was danger of violence. There was organised obstruction to hands returning to work almost daily. On the 14th February 1920, when Mr. Strutton was endeavouring to reason with the meeting, he was hooted and had stones thrown at him. On 15th February 1920, the meeting showed distinct signs of intending violence, though no actual outbreak occurred.
(15) Did the strikers walk through the city without creating any disturbance in the morning of the 16th February 1920?	(15) The strikers left the Maidan at about 11 a.m. and endeavoured to get to the Old Mill *en masse*. They were diverted with great difficulty on the promise of a pronouncement as to their pay in the afternoon. They proceeded home about 12 noon mostly through the City. On the way they stole a few trifles from shops, which caused the shopkeepers to close their shops.

QUESTIONS AND ANSWERS.

[*Mr. R. P. Paranjpye.*] [2ND AUGUST 1920.]

Questions.	*Answers.*
(16) Is it true that the mill-hands in the meeting on Hom Maidan swore Hindus by cow, and Muhammedans by Kuran not to cause any disturbance or riot or to damage any property?	(16) Some vows are said to have been put to the strikers but it is not known how they were put, or whether they were accepted.
(17) What is the distance of the place of tragedy of the 16th of February 1920 from the entrance to the Sholapur Mill and what from that to the Narsingirji Mill?	(17) The distance of the shot when firing first took place is about 400 yards N. E. of the Sholapur Mill, and about 50 yards S. W., on the same road, of the Narsingirji Mill.
(18) Do buildings exist between this place and the Narsingirji Mill? If so, what is the distance covered by the intervening buildings?	(18) The Narsingirji Mill lies along the road facing S. E. Opposite it are rows of low chals separated by door and alley ways. Firing first took place on the road without any hits. Afterwards the mob was driven through the chals, and when more violent stoning took place beyond them some casualties occurred. The chals vary in depth, and are placed irregularly.
(19) Did the strikers near the Narsingirji mill throw any stones at the mill on the 16th February 1920?	(19) No.
(20) Was any damage done to the mill buildings?	(20) No.
(21) Did not the strikers near the Sholapur mill compound remain completely peaceful and fully carry out the instructions of Mr. Ellis, the District Superintendent of Police?	(21) No. They did not obey the orders of Mr. Ellis.
(22) Is it not true that no firing was done there?	(22) No firing was done there.
(23) When did Mr. Ellis go to the place of firing?	
(24) Was any firing done subsequently?	
(25) Is it true that the crowd near the Sholapur Mill dispersed quietly after Mr. Ellis left for the tragic place?	(25) The District Superintendent of Police did not go to the scene of fire at all.
(26) Is it true that it was about dark when the last firing was done?	(26) It was twilight, but by no means dark.
(27) Is it true that Government telegraph office refused to accept telegrams about firing for some time? If so, how long and under whose orders?	(27) No. No district officer gave any orders to the telegraph department.
(28) Is it true that the District Magistrate and the District Superintendent of Police have made separate reports about the events of 16th February 1920?	(28) Yes.
(29) If so, would Government be pleased to publish them?	(29) Copies of the reports are attached.
(30) Is it true that those who were killed and wounded on the evening of 16th February 1920, received wounds about the waist and some in the back?	(30) The killed were not wounded in the back except for 'exit wounds'. One was hit through the chest, two through the neck and one through the

QUESTIONS AND ANSWERS.

[2ND AUGUST 1920.] [*Mr. R. P. Paranjpye.*]

Questions.	*Answers.*
	forehead. Two seriously wounded men were hit in the arm and chest and arm respectively. Other wounds reported are flesh wounds.
(31) Is it true that Honorary First Class Magistrate Mr. V. N. Sathaye was present at the inquests held on the dead bodies in the City dispensary on 17th February 1920?	(31) Yes.
(32) Is it true that in the case of one dead body the Magistrate and the Panch suspected that the wound near the neck was by a sharp instrument and not of bullets?	(32) Yes
(33) Is it true that this dead body was recommended by the Magistrate and the Panch for being sent to the Civil Surgeon for *post mortem* examination?	(33) Yes.
(34) Was any *post mortem* examination made in this case? If so, what opinion the Civil Surgeon gave?	(34) The Civil Surgeon was busy with other cases and before he was able to attend the *post mortem* the relatives had taken the body away.
(35) Were all those who died on account of the injuries received on 16th February 1920 in the evening buried?	(35) Yes. By their friends on 17th.
(36) Is it true that Mr. V. N. Sathaye is a Magistrate of over 25 years' standing?	(36) Yes.
(37) Is it true that the acting City Magistrate who took charge on 17th February 1920 called for all cases pending in the Court of Mr. Sathaye, either on 18th or 19th February 1920?	(37) Yes.
(38) Did the acting City Magistrate give any reasons for this order of his? Is it untrue that he took his action at the instance of the Collector and District Magistrate?	(38) No. He acted on the instructions of the District Magistrate.
(39) Is it true that the District Magistrate has recommended for the withdrawal of Mr. Sathaye's powers? Has the District Magistrate given any reasons for such recommendation for withdrawal? If so, what are they?	(39) Mr. Sathaye tendered his resignation. The District Magistrate recommended that the resignation be accepted.
(40) Has Government noticed the account given in the *Bombay Chronicle* of 26th February 1920 in the matter of mill strike and tragedy at Sholapur?	(40) Yes.
(41) Has Government verified the same by independent inquiry? If so, will Government be pleased to publish it?	(41) No. Government consider that the reports already received give a sufficient account of the occurrences connected with the strike.
(42) Does Government intend to make an independent inquiry in the matter?	
[*This question was asked at the meeting held on the 13th March 1920, when an* ad interim *reply was given.*]	

QUESTIONS AND ANSWERS.

[*Mr. R. P. Paranjpye.*] [2ND AUGUST 1920.]

Questions.	*Answers.*
2. Will Government be pleased to state—	2. In continuation of the *ad interim* reply given to parts (*a*), (*b*) and (*d*) to (*g*) at the December meeting, the following information is furnished:—
(*a*) When Nature study and Sloyd were introduced into Primary Schools? Nature study and Sloyd system.	(*a*) Nature study is being gradually introduced into primary schools during the current school year, while Sloyd has been taught in a few schools in the Central and Northern Divisions since the year 1918.
(*b*) What provision, if any, is made for the inspection of the work in these subjects?	(*b*) No special provision is made for the inspection of the work in these subjects: in the Central Division, Sloyd classes are inspected by officers who have been trained at the Dharwar Sloyd class. Assistant Deputies and Deputies have been instructed to inspect the work in the subjects in question at the time of the annual inspection.
(*c*) * * * * *	(*c*) * * * * *
(*d*) Whether there is any regular Sloyd syllabus for Primary and Secondary Schools?	(*d*) No special Sloyd syllabus has been prescribed for primary and secondary schools. Instruction is given in primary schools on the lines of the course adopted at the Vernacular Training Colleges and in secondary schools on the lines of the course taught in 1915 in the Dharwar Sloyd class. A copy of the three years' course in Sloyd for primary schools which is under experiment in the Central Division is appended.*
	* *Vide* Appendix S.
(*e*) What is the number of teachers trained in Sloyd work in the Dharwar class?	(*e*) Nineteen.
(*f*) What provision is made for keeping up their supply?	(*f*) At present there is no special source of supply. The special Sloyd class at Dharwar had to be closed late in 1915 owing to financial stringency. Students at the Vernacular Training Colleges, however, can take up Sloyd while under training.
(*g*) What are the High Schools where (i) paper Sloyd and (ii) wood Sloyd are taught?	(*g*) Paper Sloyd is taught in the High Schools at Dhulia, Satara, Sholapur, Dharwar, Belgaum and Bijapur, and wood Sloyd in those at Dharwar, Belgaum and Bijapur.
3. Will Government be pleased to state what arrangements have been made in Local Board and Municipal Schools for teaching Science lessons in the regular vernacular readers and what apparatus is generally supplied to them? Science teaching in Schools.	3. No special arrangements exist in Local Board and Municipal Schools for teaching Science lessons in the vernacular readers. The lessons are, however, taught by trained teachers during school hours with the aid of such apparatus as is usually supplied to schools, and where no apparatus is available, the lessons are explained by them by means of sketches on the blackboards and with the aid of pictures.

[*These questions were asked at the meeting held on the 10th December 1919, when* ad interim *replies were given.*]

QUESTIONS AND ANSWERS.

[2ND AUGUST 1920.] [*Mr. R. P. Paranjpye.*]

Questions.	*Answers.*
	The accompanying list* shows the apparatus generally supplied to Local Board and Municipal schools in the Presidency proper. In Sind no apparatus, except an Orrery in a few Local Board schools in each district, is supplied. In all Divisions teachers are encouraged to supply themselves and their classes with such simple specimens for nature study, etc., as can be collected easily and at little or no expense. * *Vide* Appendix T.
4. Will Government be pleased to say if they have taken any steps to bring into operation the resolution passed by the Legislative Council last year about allowing Government pensioners to receive their pensions by postal money orders? (Payment of pensions by postal orders.)	4. The proposal is under the consideration of higher authorities.
5. (*a*) Will Government be pleased to state when the Rasai Committee was appointed? (Sind Rasai Committee.)	5. (*a*) The Committee was appointed on 26th March 1918 and began its deliberations from 3rd April 1918.
(*b*) When did it submit its report to the Commissioner in Sind?	(*b*) The report reached the Commissioner in Sind in its final form in the middle of November 1918.
(*c*) Has Government received the report in question?	(*c*) Yes.
(*d*) Has Government passed any orders on the report?	(*d*) Government have not yet passed orders on the report.
(*e*) Will Government be pleased to lay on the Council Table— (*i*) a copy of the report, (*ii*) evidence taken by the Committee, (*iii*) report of the Commissioner thereon. (*iv*) orders passed by Government (if any)?	(*e*) (*i*, *ii* and *iii*).† Copies are laid on the table. † *Vide* memorandum from the Commissioner in Sind, No, Rev.—350, dated 26th March 1920, printed in Volume I, Diary and Report of the Committee.
6. (*a*) Will Government be pleased to state if the Committee, appointed by Government in pursuance of the resolution moved by the Honourable Mr. Bhurgri about the chair system in Sind, has submitted its report? (Sind Chair Committee.)	6. Government have not yet received the report.
(*b*) If so, will Government be pleased to lay a copy of the report on the Council table together with any orders that Government may have passed thereon?	
7. (*a*) Has the attention of Government been called to a letter appearing in the daily *Dnan Prakash* newspaper of 13th May last, complaining of the serious inconvenience caused to the general public by the stoppage of all (Regulation of road traffic.)	7. (*a*) Yes.

QUESTIONS AND ANSWERS.

[*Mr. R. P. Paranjpye.*] [2ND AUGUST 1920.]

Questions.	*Answers.*
cart traffic on roads over which His Excellency the Governor is to pass, several hours before the time of his passing over those roads?	
(*b*) Have any definite orders been given to the police about the proper way of regulating the traffic in such cases, and if so, will Government be pleased to lay these orders on the Council table?	(*b*) In order to avoid any public inconvenience orders have been issued that in future no motor, horse or pony traffic should be stopped on the Poona-Mahableshwar Road on account of His Excellency's passage. Fresh orders are being drafted to reduce the stoppage of bullock carts to a minimum. Copies* of the instructions issued by the District Superintendents of Police, Poona and Satara are placed on the Council Table. * *Vide* Appendix U.
8. (*a*) Is it a fact that one of the bungalows for professors at the Deccan College is at present unoccupied? (Professor's bungalow: Deccan College.)	8. (*a*) Out of the three bungalows intended for the Principal and two professors of the Deccan College, Poona, the Principal's bungalow only is unoccupied at present.
(*b*) Have two Indian members of the College Staff who are in the Imperial Service expressed their willingness to occupy it?	(*b*) Yes.
(*c*) Have Government issued any orders about allowing one of these professors to occupy the bungalow, and if so, when will these orders be carried into effect?	(*c*) Orders have been issued that the Principal's bungalow should be occupied by the Principal, whether substantive or acting, and the remaining two bungalows by the Resident European Professor and by the Resident Indian Professor. These orders will be carried into effect as soon as certain repairs to the Principal's bungalow, which are necessary, have been completed.
9. Will Government be pleased to state whether Mahomedan candidates applying for admission to the District Training Schools are not admitted therein even though they are qualified for admission by passing the Vernacular Final Examination, but are told to join the Urdu Training classes either at Poona or Ahmedabad? (Mahomedan students: training schools.)	9. The attention of the Honourable Member is invited to the reply given at the present meeting to a question on the subject put by the Honourable Sardar Gulam Jilani.
10. Will Government be pleased to state how far the acquisition of land for the building for the Training College for Women in Poona has proceeded and whether the building is to be commenced in the course of the current year? (Training College for Women: Poona.)	10. It has been decided to postpone the acquisition of the land in question till the financial situation improves. It cannot be definitely stated when the building will be started.
11. Will Government be pleased to state whether it is a fact that petitions have been received by Government against the acquisition of land between the Fergusson College and (Land acquisition: Poona.)	11. One petition was received. As the land in question is only at present proposed for reservation under the Poona Town Planning Scheme and the Town Planning Act gives ample facilities for disposal of all such objections the

QUESTIONS AND ANSWERS.

[2ND AUGUST 1920.] [*Mr. R. P. Paranjpye.*]

Questions.	*Answers.*
Government House at Ganeshkhind for the housing of Government officials stating that the sites were purchased by private gentlemen for residential purposes and that the annual Chaturshringi fair attracts crowds of people by that way for ten days every year?	petitioners have been instructed to put their case before the Town Planning Authority.
If so, what answer has been returned to the petitioners?	
12. Will Government be pleased to lay on the Council Table detailed statement showing the names of the European and Indian Members of the Indian Educational Service showing their salaries, (inclusive of allowances) before and after the recent revision of salaries, and their years of service? (Indian Educational Service.)	12. Information is being collected.
13. Will Government be pleased to say whether the scale of salaries of primary teachers has been raised in view of the substantial rise in the scale of all subordinate establishments? If so, will Government be pleased to say when the orders will be published? (Primary school teachers: Enhanced salaries.)	13. The question of the further revision of the salaries of primary school teachers has recently been raised and is still under consideration.
14. Will Government be pleased to say what action has been taken to remedy the grievances of the taluka masters about which the Council passed a resolution at the last session? (Grievances of taluka school masters.)	14. No resolution on the subject was *passed* at the last meeting of the Council but one was moved by the Honourable Mr. S. B. Upasani and *withdrawn* by him on an assurance being given by Government that the matter was receiving their attention. Detailed proposals are awaited from the Director of Public Instruction.
15. (*a*) Will Government be pleased to say if any extra allowance is paid to District Deputy Collectors who do settlement work; and if so, what is the amount of this allowance? (Settlement work: allowance.)	15. (*a*) Yes; Rs. 50 per mensem.
(*b*) If an extra allowance of the nature indicated in the above part is paid to District Deputy Collectors, is a similar allowance paid to Talaties, who do the same kind of work?	(*b*) No.
16. Will Government be pleased to state—	16. The attention of the Honourable Member is invited to the reply given at the present meeting to a question on the subject put by the Honourable Mr. P. A. Desai.
(*a*) whether it is true that the Primary schools in the town of Pen in the district of Kolaba were closed on account of plague from September 1919? (Municipal teachers: Pen, Kolaba.)	
(*b*) whether it is true that the President of Pen Municipality asked the vernacular teachers to do work other than that of teaching during the time the schools were closed?	

QUESTIONS AND ANSWERS.

[*Mr. R. P. Paranjpye; Mr. G. K. Parekh.*] [2ND AUGUST 1920.]

Questions.	*Answers.*
(*c*) whether it is true that for non-compliance with this order of the President one of the teachers was suspended and eight others were fined three months' pay?	
(*d*) if the teachers have submitted an application against this order of the President? If so, has the Director disposed of this application; and, if so, with what result?	
(*e*) whether it is a fact that the teachers submitted a similar application to His Excellency the Governor in Council, and, if so, will Government be pleased to state what orders have been passed on this application?	
17. Will Government be pleased to state whether there are any departmental orders or orders issued by Government in the matter of employment of teachers on other work during the time their schools are closed during epidemics? If so, will Government be pleased to lay them on the Council table? Employment of School teachers in epidemics.	17. Enquiries are being made.

THE HONOURABLE MR. G. K. PAREKH.

1. Will Government be pleased to say:— (*a*) How many cows, bulls, and young of cows were sold for export to foreign countries from farms under the management of the Agricultural Department of Government, and (*b*) whether many of the animals sold were fine representatives of the Kankrej and other high caste breeds? (*c*) to what countries were these animals exported? Exportation of cattle.	1. (*a*), (*b*) and (*c*) The acompanying* statement gives the information required. **Vide* Appendix N.
(*g*) Whether any of the officers of Government took part or gave assistance in the purchase of animals on behalf of foreign exporters?	(*g*) No other assistance was given by Government officers than that ordinarily given to any customer at the farms.
[*This question was asked at the meeting held on the 13th March 1920, when an* ad interim *reply was given.*]	
2. With reference to the Bombay City Improvement Trust Scheme No. 54 will Government be pleased to say— Bombay City Improvement Trust Scheme.	2. The Honourable Member is referred to the published scheme.
(*a*) Is it a fact that in the scheme as sanctioned by Government the houses fronting the Princess Street and the Girgaum Road are included?	

QUESTIONS AND ANSWERS.

[2ND AUGUST 1920.] *Mr. G. K. Parekh.*]

Questions.	*Answers.*
(*b*) Is it a fact that in the case of six of the houses fronting the above Street and Road the Improvement Trust has consented to continue them in the possession of their present owners on their agreeing to pay to the Trust such sums as the Trust fixed?	
3. Will Government be pleased to say—	
(*a*) What number of students who had qualified themselves for admission to the Grant Medical College by passing the examination held at the end of the first year's college course, had applied for admission into that College this year?	3. (*a*) The total number of applicants for admission into the college in the first year was 620, of whom 320 were candidates from the Bombay University, and 300 candidates from other Universities.
(*b*) How many of these were admitted and how many were refused admission?	(*b*) 150 were admitted and 470 refused admission.
(*c*) What were the tests applied by the Grant Medical College authorities for giving or refusing admission?	(*c*) Selection after a personal interview with the Dean of the College.
(*d*) Is it true that some of the students were refused admission because their parents or guardians were comparatively poor and not well-to-do.	(*d*) Yes; when it was improbable that students could pay their bills in the college and hostel preference was given to others who could.
4. Will Government be pleased to say—	4. The information will be called for.
(*a*) Whether in the village of Karamsad in the Anand Taluka in consequence of bad seasons, portions of the Government land revenue demands of 1917-18 and 1918-19 had remained uncollected?	
(*b*) Is it true that in 1919-20, the rice, tobacco, tuver, cotton and math crops suffered from frost, unseasonable rains and other causes?	
(*c*) Is it true that in respect of the land revenue demands of Government, sub-sharers' quota of the demands were not recovered from them as usual but orders were issued for the recovery of the entire demands from the registered holders?	
(*d*) What was the annual Government land revenue demand from Karamsad for 1919-20?	
(*e*) What was the amount of penalty imposed on the Karamsad landholders for default in the punctual payment of the land revenue demands for 1919-20?	
(*f*) What is the total amount of penalty imposed on the landholders of the Anand Taluka for having not punctually paid their Government demands for 1919-20?	

Admissions to Grant Medical College.

Karamsad, Taluka Anand.

QUESTIONS AND ANSWERS.

[*Mr. G. K. Parekh.*] [2ND AUGUST 1920.]

Questions.	*Answers.*
5. (1) Has the attention of Government been drawn to the issue of the *Hindustan* newspaper of the 11th June last giving a statement of murders, robberies, dacoities and other offences of violence that occurred in the Talukas of Kapadvanj, Thasra, Anand and Nadiad of the Kaira District during the last two years? Dacoities : District Kaira.	5. (1) Yes.
(2) In how many cases have the offenders been arrested, prosecuted and punished, and in how many have they been acquitted, and in how many cases have the offenders not been found out?	(2), (3) and (4) Information will be obtained.
(3) Will Government be pleased to say what are the causes of the increase of crimes of violence in these Talukas of the Kaira District during the last two years?	
(4) Will Government be pleased to say what measures have been taken by them to prevent offences of violence in these Talukas, to arrest offenders and to bring them to Justice?	
6. Will Government be pleased to say (*a*) whether the Committee appointed for proposing the grading of the Talatis and the revision of their salaries has submitted its report to Government? Grading of Talatis' Committee.	6. (*a*), (*b*), (*c*) and (*d*) No Committee was appointed but the Commissioners have submitted proposals which are now under consideration.
(*b*) what are the Committee's recommendations?	
(*c*) whether they have met with the approval of Government?	
(*d*) from what date they will come into force?	
7. Will Government be pleased to say—	7. The information will be called for.
(*a*) What was the number of students who had passed the First Year's course Examination at their respective Colleges and presented themselves for admission into the College of Commerce? College of Commerce : Admission of students.	
(*b*) Were these students required to submit to an examination at the College of Commerce before their admission?	
(*c*) What were the subjects in which they were examined?	
(*d*) What percentage of marks obtained qualified them for admission?	
(*e*) How many of these students were admitted and how many refused admission?	

QUESTIONS AND ANSWERS.

[2ND AUGUST 1920.] [*Mr. A. F. I. Pathan.*]

Questions. *Answers.*

THE HONOURABLE MR. A. F. I. PATHAN.

School Inspections.

1. (*a*) Is it a fact that each district has been divided into several beats, each beat being assigned to each Assistant Deputy Educational Inspector attached to the district?

(*b*) If so, how many times in the least during a year is each inspecting officer expected to inspect or visit each and every school within his beat to ensure satisfactory supervision?

(*c*) And if so, is it a fact that the one Mahomedan Assistant Deputy Inspector attached to each district is required not only to inspect and visit Urdu and non-Urdu schools within his beat but also to inspect and visit Urdu schools scattered over his district and beyond his beat?

(*d*) Can one Mahomedan Assistant pay the same number of visits and exercise the same amount of supervision over each Urdu school in the district as other assistants can do in respect of non-Urdu schools?

[*This question was asked at the meeting held on the 10th December 1919, when an* ad interim *reply was given.*]

1. (*a*) Yes, with the exception of the Upper Sind Frontier where the District Deputy Educational Inspector has only one Assistant and is himself in charge of one of the two beats of the district.

(*b*) Each Assistant Deputy is expected to inspect each primary school once a year and to pay additional visits to as many as possible.

*(*c*) Yes, but he is usually given a smaller beat in view of the work he has to do outside his own beat.

*(*d*) The Mahomedan Assistant Deputy is probably not able to exercise as much supervision over Urdu schools *outside* his beat as is exercised by an ordinary Assistant Deputy Inspector (whether Mahomedan or non-Mahomedan) over the schools within his own beat. While, however, the Urdu schools within the Mahomedan Assistant's own beat receive as much supervision as any other schools, the Urdu schools outside the Mahomedan Assistant's beat receive more supervision than the non-Urdu schools inasmuch as they are regularly visited and supervised by the ordinary Assistant Deputy Inspector of the beat as well as by the Mahomedan Assistant. A considerable number of Urdu schools both within and without the Mahomedan Assistants's beat also receive visits from special officers such as the Divisional Deputy Inspector for Urdu Schools and the Inspectress of Urdu Girls' Schools.

* Parts (c) and (d) of the question do not concern Sind.

Improved pay to educationalists.

2. Will Government be pleased (*a*) to state when they expect to introduce the time-scale pay of secondary teachers?

(*b*) To state if it is a fact that the graduates of the Educational Department have memorialised the Government for bettering their prospects?

(*c*) To lay a copy of the memorial on the Council table?

2. (*a*) This part of the question has already been answered.

(*b*) and (*c*) A copy† of the memorial is laid on the table.

† *Vide* Appendix P.

Village Schoolmaster and Village post offices.

3. (*a*) Is it not a fact that village branch post offices are entrusted to the charge of such village schoolmasters as are recommended to the postal authorities by the Educational Inspector or the Deputy Educational Inspectors and that these schoolmasters get an allowance for the postal work that they do?

3. (*a*) This has already been replied to.

QUESTIONS AND ANSWERS.

[*Mr. A. F. I. Pathan.*] [2ND AUGUST 1920.]

Questions.	*Answers.*
(*b*) If so, what is the maximum and minimum monthly allowance that is given to such schoolmasters for postal work and the net income of each of the branch offices in the charge of schoolmasters?	(*b*) The monthly allowances paid to schoolmasters in charge of branch post offices in the Bombay circle vary from a minimum of Rs. 4-8-0 to a maximum of Rs. 10. Each of them gets a war allowance of Rs. 2 in addition at present. These allowances are increased in individual cases, where the nature and importance of the work justify such a step. The information asked for in the latter part of the question cannot be obtained without an undue expenditure of time and labour.
(*c*) Will Government be pleased to place on the table a statement for the Presidency proper, showing the villages in each district where postal work has been entrusted to schoolmasters, and the religion and qualifications, period of service and pay of each of such schoolmasters as are getting postal allowance and the amount of postal allowance each gets?	(*c*) This part of the question has already been answered.
4. (*a*) Is it true that intermediate class passengers are provided with seats only in the mail train on the M. S. M. Railway, and if so, what is the total number of intermediate seats provided in the mail train?	4. (*a*) The total number of intermediate seats provided on each mail train between Bangalore and Poona and *vice versa* is 20.
Grievances of railway passengers; intermediate class.	
(*b*) What is the average number of intermediate passengers travelling from Bangalore and intermediate stations to Poona every day?	(*b*) The average number of passengers booked daily by these mail trains are between Bangalore and Poona ... 49 „ Poona and Bangalore ... 39 The major portion of this traffic is short distance traffic. From stations in the neighbourhood of Belgaum the sale of 3rd class tickets by mail trains is restricted and passengers who would have otherwise travelled third class travel intermediate class for short distances from these stations.
(*c*) Is it true that the number of intermediate passengers far exceeds the number of seats provided for them, and if so, does the Railway Company propose to increased the accommodation for such passengers in the mail train or to provide seats for them in the passenger trains?	(*c*) It is not admitted that the number of intermediate passengers travelling in these trains at one time regularly exceeds the number of seats provided for them. In exceptional cases it may do so for short distances. The Railway Company has received no complaint of overcrowding in these trains.
(*d*) Is it true that the intermediate passengers are obliged to purchase their tickets at the third class booking window and have consequently to put up with the same inconvenience and trouble as the third class passengers in big stations, despite the fact that they pay double the third class fare? And if so, does Government propose to take any steps to redress this grievance of the intermediate passengers?	(*d*) Intermediate and third class tickets are sold at the same booking window just as first and second class tickets are sold. It is not possible to provide separate windows for intermediate class passengers at all stations.

QUESTIONS AND ANSWERS.

[*Mr. A. F. I. Pathan.*] [2ND AUGUST 1920.]

Questions.	*Answers.*
5. (*a*) Is it a fact that the Assistant Deputy Educational Inspectors are required to be on tour throughout the year within their beats and that they have had no headquarter station except the district town where they are consequently obliged to keep their families ? (Assistant Deputy Educational Inspectors.)	5. (*a*) The answer to the first part of the question is in the negative and the latter part in the affirmative.
(*b*) If so, what are the facilities or concessions given to them for leaving their beats for the district town off and on to have a look into their family affairs ?	(*b*) No special facilities or concessions are given to Assistant Deputy Inspectors to enable them to visit the district towns for their private affairs. They are, however, required to come to the district towns on duty and usually remain there for some months in the year. In Sind they pass nearly 4½ months at the district headquarters.
[*These questions were asked at the meeting held on the 13th March 1920, when* ad interim *replies were given.*]	
6. Will Government be pleased (*a*) to state if it is a fact that the Director of Public Instruction has submitted to Government fresh proposals for improving the prospects of Secondary teachers in the Educational Department giving them a time-scale pay from Rs. 75 to Rs. 350 ? (Secondary school teachers.)	6. (*a*) and (*b*) The Director of Public Instruction has not yet submitted any such proposals.
(*b*) If so, to place on the Council Table a copy of the proposed scheme ?	
7. Will Government be pleased to say, (*a*) now that Mr. Miller has returned to India, how far the scheme of introducing the Scout System in the Government schools of this Presidency has progressed ; (Boy Scout System.)	7. (*a*), (*b*) and (*c*) It has not been possible to formulate any scheme as the decision of the Government of India on the whole question has not yet been communicated to Government.
(*b*) when it is likely to be introduced into them ;	
(*c*) to place a copy of the proposed scheme on the Council Table ?	
8. Will Government be pleased to state if it is a fact that though they have renewed the excursion grants to High Schools, the Railway authorities are yet withholding their concessions to the students ? (Railways : Concessions to students.)	8. Enquiry will be made.
9. Will Government be pleased to state if it is a fact that the M. and S. M. Railway Company did not provide additional accommodation to the pilgrims going to the Yemanur Urs at Yemnur and the Arudha fair at Hubli and yet allowed the carriages to be overcrowded very largely in excess of the scheduled number of passengers in the 3rd class compartments on the last occasions ? (Pilgrims : Overcrowding in railways.)	9. Enquiry will be made.

QUESTIONS AND ANSWERS.

[2ND AUGUST 1920.]

[*Mr. A. F. I. Pathan; Mr. Munmohundass Ramji.*]

Questions.

Answers.

10. Will Government be pleased to state if it is not a fact that the Government have from time to time declared their policy in favour of admixture of castes in the Revenue and other departments in the matter of appointments?

A question of policy.

10. Yes.

11. Will Government be pleased to state—

(*a*) the total number of Mamlatdars' posts in the Southern Division;

Mamlatdars' posts: Southern Division.

11. (*a*) 65, excluding 7 Head Clerks who now graded with Mamlatdars.

(*b*) the total number of Lingayat population and that of the Mahomedan population in the Southern Division and their proportions to the entire population of the Division;

(*b*) The Honourable Member is referred to the Census Reports.

(*c*) the number of Brahmin, Lingayat and Mahomedan Mamlatdars in the Division;

(*c*) 51 Brahmins.
1 Mahomedan.
3 Lingayats.

(*d*) the number of Mahomedans in the Revenue service in the Division, that have passed the qualifying test for Mamlat and periods of their service?

(*d*) Information will be called for.

12. Will Government be pleased to state the present number of Urdu schools in each district of the Presidency proper and the number of pupils attending them?

Urdu schools.

12. The information is being obtained.

13. Will Government be pleased to state (*a*) whether it is a fact that it has been recently decided to keep the one Mahomedan Assistant Deputy Educational Inspector attached to each district solely and exclusively in charge of the Urdu schools in his district?

Mahomedan Assistant Educational Inspectors.

13. The attention of the Honourable Member is invited to the reply given at the present meeting to parts (*c*) and (*d*) of a question on the subject put by him at the meeting of the Legislative Council held in December last. Proposals to relieve the Mahomedan Assistant Deputy of the work of inspecting non-Urdu schools in the district are awaited.

(*b*) If so, whether it is possible for him to go over the whole district and pay as many extra visits to each and every Urdu school in the district as each non-Urdu Assistant is expected to pay to each school within his beat extending over a taluka or two, and further whether the Mahomedan Assistant is to have the same amount of contingent grant as the non-Urdu Assistant or a bigger amount in view of his extensive touring?

THE HONOURABLE MR. MUNMOHUNDASS RAMJI.

1. With reference to my question No. 1 and to the reply of Government thereto at the meeting held on the 18th September 1919 that "a decision of the question was postponed during the war,

Civil suit costs.

1. The question raised by the Honourable Member has been found to necessitate the compilation of complicated statistics, which are not readily available. The matter is receiving the attention of Government.

QUESTIONS AND ANSWERS.

[2ND AUGUST 1920.] [*Mr. Munmohundass Ramji.*]

Questions.	*Answers.*
but Government have now taken up the consideration of the matter", will Government be pleased to report as to what progress has been made in this matter?	
2. Will Government be pleased to give information as to: (*a*) who is appointed as Personal Assistant to the Director of Industries in the Presidency? (Appointment of Personal Assistant to the Director of Industries.)	2. (*a*) Mr. F. Carr Davies.
(*b*) What are the qualifications of this gentleman?	(*b*) Education at Sheffield Technical College, six years with British Westinghouse Company, over four years commercial engineering experience.
(*c*) Were any applications invited for the post?	(*c*) The Bombay Re-settlement Committee was asked to secure applications for the post.
(*d*) If so, how many applications were received and by whom was the final decision taken?	(*d*) and (*e*) The appointment was sanctioned by the Government of India on this Government's recommendation and Mr. Davies' salary is paid by the Government of India for duties performed by Mr. Davies as Assistant to the Director of Industries in his capacity as Controller of Munitions.
(*e*) If such applications were not invited by whom was the appointment made?	
3. Will Government be pleased to say— (*a*) what was the total number of applications for admission in the Grant Medical College this year at the opening of the June term? (Admission to the Grant Medical College.)	3. (*a*) The total number of applicants for admission into the college in the first year was 620 of which 320 were candidates from the Bombay University and 300 candidates from the other universities.
(*b*) what was the total number admitted?	(*b*) 150.
(*c*) what was the number of applications from students who had passed the Preliminary Scientific Examination for admission in the Grant Medical College?	(*c*) 139.
(*d*) what was the number admitted?	(*d*) 139.
4. Will Government be pleased to say— (1) what was the number of applications for admission in the Hostel of the Grant Medical College? (Admission to the College Hostel.)	4. (1) Over 700.
(2) what was the number admitted?	(2) The number admitted was 225, which is the full accommodation available.
5. Will Government be pleased to state— (*a*) how many slaughter houses there are in the Bombay Presidency and where they are located? (Slaughter houses.)	5. (*a*) and (*b*) The information is being obtained.

QUESTIONS AND ANSWERS.

[2ND AUGUST 1920.]

[*Mr. Munmohandas Ramji; Mr. Purshotamdas Thakurdas.*]

Questions.	*Answers.*
(*b*) how many are :— (i) managed by the Municipalities ? (ii) managed by the Private Agencies ? (iii) managed by Government ?	
(*c*) whether there are any restrictions in any of the slaughter houses regarding the killing of calves, young milch cows and buffaloes and useful bullocks ?	(*c*) The attention of the Honourable Member is invited to the answer to question No. 4* put by the Honourable Mr. Purshotamdas Thakurdas, C.I.E., M.B.E., at the meeting of March last. * Printed as question No. 2 in this list.
(*d*) how many calves, buffaloes and bullocks were slaughtered during the last quinquennium in the Bombay Presidency in different slaughter houses ?	(*d*) The information is being obtained.

THE HONOURABLE MR. PURSHOTAMDAS THAKURDAS, C.I.E., M.B.E.

1. (*a*) Will Government be pleased to put on the table a statement showing the number of dairies in Gujarat and the whole of the Northern Division ? Gujarat Dairy : Industry.	1. (*a*) There are 28 dairies in Gujarat, including two military dairies and one Government Dairy, distributed in the several districts, as shown below :— Surat ... ... 5 Broach ... ... 2 Kaira ... ... 3 Ahmedabad ... . 18 In addition to these there are 60 creameries in the Kaira district while the dairies in the Thana district are only milk-producing concerns which supply milk to the Bombay Island for local consumption.
(*b*) Is it a fact that the largest part of the outturn of these dairies goes out of the district concerned ?	(*b*) Yes.
(*c*) Will Government be pleased to put on the table a statement showing approximately how much of the outturn of the dairies in this part of the Presidency is being exported out of India ? [*This question was asked at the meeting held on the 10th December 1919, when an* ad interim *reply was given.*]	(*c*) Total figures of outturn of the dairies cannot be accurately ascertained but the following are the main figures for butter reported by the Collectors :—

District.	Annual outturn.	Annual exports.
Ahmedabad...	Private ... 19,38,600 Military ... 11,73,582	..... Military ... 3,360
Kaira ...	Private ... 9,60,000 Military ... 18,00,585	Private ... 8,76,000 Military ... 3,23,160

in addition lbs. 1,08,000 of milk powder were exported from Kaira.

2. (*a*) Is it a fact that in slaughter houses in the Presidency there are no restrictions against the slaughter of young milch-cattle of useful breed ? Slaughter of cattle.	2. (*a*) Yes, but the absence of restrictions is due to the fact that such animals are practically never brought to the slaughter houses.
(*b*) Will Government be pleased to put on the table a statement showing the average age of the milch-cattle slaughtered at big slaughter houses such as Bombay, Bandra, Poona, Ahmedabad and Belgaum during the last two years ?	(*b*) No record is kept of the age of the cattle slaughtered at the places mentioned ; the required statement cannot therefore be supplied.

QUESTIONS AND ANSWERS.

[2ND AUGUST 1920.] [*Mr. Purshotamdas Thakurdas.*]

Questions.

Answers.

3. (*a*) Is it a fact that the following dacoities occurred in the Surat District during the current year?

Dacoities: district Surat.

(1) About the beginning of February in táluka Olpad, village Mandroi, the house of a Bania named Nemchand was attacked after dark by dacoits. The said Bania was shot dead and a Musalman neighbour of his was similarly shot dead on his interfering.

(2) About the beginning of January last at táluka Olpad, village Obhla, a Brahmin's house was attempted to be looted and the Brahmin, the village Patel and the latter's son were severely wounded.

(3) In the táluka Chorasi, village Bhedvad, about 5 in the afternoon in the beginning of February 1920, kanbis from village Vanz were looted on the high way and all the property that was in the carts was carried away.

3. (*a*) (1) to (3). There were two dacoities since the beginning of the year, one on the Bhedvad road on the 23rd January and the other at Mandroi on 2nd February. The former took place at 6 o'clock in the evening. The dacoity at Obhla occurred on 2nd December 1919.

In the Mandroi case a Bania and a Musalman were shot dead. In the Bhedvad case, only the property which was found on the persons of the five travellers who were attacked was taken away by the dacoits. In the Obhla case a Brahmin, the Patel of the village and his son were severely wounded.

(*b*) If the reply to (*a*) be in the affirmative, will Government be pleased to say if the culprits in all the three above cases have been traced, and if so, will Government be pleased to state how many days after each crime the culprits were traced?

(*b*) The accused in the Obhla case were arrested on the day after the offence occurred and have been convicted and sentenced by the Court of Session. The cases at Bhedvad and Mandroi are still under investigation and no arrests have been made.

(*c*) If the reply to (*a*) be in the affirmative, will Government be pleased to state what precautions they have taken to prevent similar raids by dacoits hereafter and to inspire confidence in the villagers in these parts of Surat District?

(*c*) Eight armed Police have been detailed for duty at 8 villages in the north and north east of Olpad Táluka one Policeman at each village and a special road patrol has been instituted on the Bhedvad road. A number of arms licenses have been issued to villagers who applied for them.

[*These questions were asked at the meeting held on the 13th March 1920, when* ad interim *replies were given.*]

4. Will Government be pleased—

(*a*) to lay on the Council table a statement showing how much fodder has been stored by them on the lines indicated in Press Note dated 11th February 1920, No. 449?

Storage of fodder.

4. (*a*) At Chinchpada 12½ lakhs lbs. and at Khandbara 6 lakhs lbs. of hydraulic pressed grass have been stored. A large quantity of grass collected at Khandbara and that at Navapur had to be rejected as unfit for storage as it had been damaged by the exceptional late rain.

(*b*) to say if they intend continuing their operations in this matter and to state the approximate cost of the fodder stored during the last year (1919-1920)?

(*b*) Yes. Arrangements are being made for storage in future also at Navapur, Palghar, Godhra and of Mandwa grass at Manmad. Kadbi operations at Karajgi have been hindered by difficulties in procuring machinery. The cost of the grass stored at Chinchpada and Khandbara in 1919-20 was Rs. 23,678-12-0.

QUESTIONS AND ANSWERS.

[*Mr. Purshotamdas Thákurdas.*] [2ND AUGUST 1920.]

Questions.

5. Will Government be pleased to state—

Survey for fodder irrigation.

(*a*) what progress has been made regarding a survey of river-beds and nullahs in the Presidency suitable for growing fodder by irrigation or by pumping water in a year of scanty rainfall?

(*b*) whether Government is in a position to begin operations on these lines in case of emergency hereafter and if so, what places have been approved of by them for this purpose?

(*c*) if the reply to the above be in the negative, when they will be in a position to decide this question?

6. Will Government be pleased, in continuation of my question No. 11 at the Council Meeting of 13th March 1920—

Dacoities in Northern Division.

(*a*) to lay on the Council table a statement showing the total number of dacoities in the Northern Division since 1st January 1620 giving a short statement of the fate of culprits in important cases?

(*b*) to state what precautions they propose to take to prevent a repetition of such dacoities hereafter?

7. Will Government be pleased to lay on the Council table a statement showing the total number of railway waggons that were used between 1st January 1920 and 30th May 1920 to carry Kapas to stations between Panoli and Navsari (in the district growing Surat and Navsari cotton), giving the station of export of such waggons?

Export of cotton.

8. Will Government be pleased—

(*a*) to state if they have taken notice of the Report dated December 1915, by the Committee appointed to consider

Milk supply in large cities.

Answers.

5. A copy of Government Order No. *720, dated 1st March 1920, issued on the subject, is placed on the Council Table. The result of the inquiry will be published as soon as reports are received by Government.

* *Vide* Appendix Q.

6. Information will be obtained.

7. The number of railway waggons are as shown below:—

Total No. of waggons.	Station of export.		Station of receipt.
4	Ankleshwar	(2) ...	Maroli.
	Palej	(2) ...	
40	Samlaya	(15) ...	Sachin.
	Baroda	(10) ...	
	Chamargam	(8) ...	
	Chandod	(5) ...	
	Palej	(2) ...	
1	Palej	...	Utran.
1	Chamargam	...	Sayan.
2	Baroda	(1) ...	Kim.
	Palej	(1) ...	
3	Palej	...	Kosamba.
9	Chamargam	(4) ...	Panoli.
	Palej	(3) ...	
	Samlaya	(1) ...	
	Baroda	(1) ...	
Total ... 60			

There were no receipts at Navsari, Surat and Udhna stations.

8. (*a*) Yes.

QUESTIONS AND ANSWERS.

[2ND AUGUST 1920.] [*Mr. Purshotamdas Thakurdas.*]

Questions.	*Answers.*
measures for the improvement of the milk supply in large cities in the Bombay Presidency? (*b*) if the reply to the above be in the affirmative, to lay the papers relating thereto on the Council table? (*c*) if the reply be in the negative, to say if they propose to move in the matter at all, and if so, when?	(*b*) A copy of Government Resolution* No. 3239, dated 23rd March 1916, issued on the report, is placed on the Council table. * *Vide* Appendix R.
9. Will Government be pleased to lay on the Council table a statement showing— Slaughter-houses. (*a*) the total number of slaughter-houses in the Bombay Presidency, (*b*) the total number of animals slaughtered in each during the years 1917-18 and 1918-19, (*c*) the varieties of animals killed in each, *e.g.*, cows, buffaloes, bullocks, goats, sheep, etc.?	9. The information is being obtained.
10. (*a*) Will Government be pleased to state if any restrictions exist on slaughter-houses in the Presidency regarding useful, agricultural and/or milch cattle not being slaughtered? Restrictions on slaughter. (*b*) If the reply to the above be in the affirmative, will Government be pleased to state generally— (1) the nature of such restrictions; (2) measures for the enforcement of such restrictions?	10. The Honourable Member is referred to the answer to clause (*a*) of question No. 8*, put by him at the last meeting of the Council. * Printed as question No. 2 in this list.
11. Will Government be pleased— (*a*) to place on the Table a statement showing the total number of candidates that could not be admitted to the Sydenham College of Commerce owing to want of accommodation this term? Sydenham College of Commerce.	11. (*a*) The information will be called for.
(*b*) to say what use is being made of the building lately occupied by the Freeman Thomas Hospital?	(*b*) Except some portions of the building which have been occupied by certain public bodies as a temporary measure, the building is being utilised for the object for which it was constructed; these bodies are being called upon to vacate the premises by 15th October at latest.
(*c*) to state when they expect to commence the work of a permanent building for the Sydenham College of Commerce and how long it is estimated to take to be completed after commencement of building operation?	(*c*) The building operations will be started as soon as funds are available. The time for completion would, under existing conditions, be 2½ years from the time the work is commenced; if conditions improve it may be reduced a little.

QUESTIONS AND ANSWERS.

[*Mr. S. B. Upasani*:] [2ND AUGUST 1920.]

THE HONOURABLE MR. S. B. UPASANI.

Questions.

1. Will Government be pleased to state if it is true that an executive circular has been issued to subordinate magistrates in the Central Division not to entertain complaints for assault under section 323 of the Indian Penal Code unless a medical certificate is filed with it in proof of the injuries received by the assault and are such complaints refused to be entertained if the required certificate is not produced?

Assault cases.

Answers.

1. In East Khandesh the District Magistrate issued instructions to the local magistrates in 1905 to the effect that persons bringing complaints of hurt under section 323, Indian Penal Code, should be directed to produce a doctor's certificate and if they failed to comply, that the complainants should be referred to the Subdivisional Magistrates. These instructions were withdrawn by the District Magistrate in December 1919 and there are no instructions by the nature indicated in the question now in force in the district.

In West Khandesh the same instructions of 1905 were in force up to 1907, when they were withdrawn by the District Magistrate and there are no instructions of the nature indicated in the question now in force in the district.

In Nasik the District Magistrate issued instructions to the local magistrates in 1911 to the effect that persons bringing complaints under section 323, Indian Penal Code, should be referred to the police patils unless the complaint was supported by a medical certificate. These instructions were withdrawn by the District Magistrate in 1916.

In Ahmednagar the District Magistrate issued instructions in 1912 to the effect that complaints under section 323, Indian Penal Code, should be admitted by magistrates of the third class only when a medical certificate was produced or when there were open and tangible signs of violence. A copy* of these instructions is appended.

* *Vide* Appendix O.

In Poona the District Magistrate issued similar instructions in 1912, but the instructions were withdrawn in the following year and there are no instructions of the nature indicated in the question now in force in the district.

In Sholapur the District Magistrate issued instructions to the local magistrates in 1913 to the effect that complaints under section 323 should not be accepted unless they were supported by a medical certificate. These instructions were amended in 1914, when magistrates were instructed to exercise their discretion in requiring persons bringing complaints under section 323, Indian Penal Code, to produce a medical certificate.

In Satara the District Magistrate issued in 1914 a circular, in which the following sentence occurs:—

QUESTIONS AND ANSWERS.

[2ND AUGUST 1920.] [*Mr. S. B. Upāsani.*]

Questions.

Answers.

"A good many cases of alleged hurt, where there is no medical certificate and no sign of appreciable injury, can be referred to police patils for trial."

If so, will Government be pleased to state by what authority and under what provision of the law is the order issued and will a copy of the same be laid on the table?

The legality of these orders is a matter for the decision of the Courts concerned.

2. Will Government be pleased to lay on the table a statement showing the names of the talukas in the several Districts, which have a civil court within their area and of those which have not got any and the area and population of the respective talukas and the number of villages included in their area?

Taluka Civil Courts.

In the case of the talukas which have not got a civil court in their area will the name of the court within the jurisdiction of which it is included be shown in the remark column against that taluka?

2. The accompanying statements* give the information required.

* *Vide* Appendices CC and DD.

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

Boring operations.

(*a*) The date when the boring operations under the supervision of the Sanitary Engineer were commenced in this Presidency?

3. (*a*) The boring operations under the supervision of the Sanitary Engineer to Government were commenced in the beginning of the year 1911.

(*b*) The yearly expenditure on account of the appointment of the Executive Engineer in charge of boring operations including his own salary and that of his establishment and tools and plant purchased for these operations up to the end of 1918-19?

(*b*) The required information is contained in the statement† attached.

† *Vide* Appendix EE.

(*c*) The amount of work done by these operations in connection with the water supply in Gujrath and other parts of the Presidency?

(*c*) The required information is contained in the statement B‡ attached.

‡ *Vide* Appendix FF.

(*d*) The terms on which the present Engineer is appointed and whether he is allowed to do any private practice and if so what were his gains from that practice during the last 12 months and were they credited to the state or retained by him as his own property?

(*d*) The original terms on which Mr. W. C. Dooris, Executive Engineer, in charge Boring Works, was appointed will be found in his agreement, copy§ attached. Those regarding his retention for a further period are still under the consideration of Government. Mr. Dooris is occasionally allowed by Government to give expert advice to the native states in Gujarat, Kathiawar, and elsewhere on a fee of Rs. 100 per diem in addition to the travelling allowance admissible under the Civil Service Regulations to an Executive Engineer. He is permitted to retain this fee and his ordinary pay for the days of his absence credited to Government. His total gains from the States during 1918-19 are given in statement C.¶

§ *Vide* Appendix GG.
¶ *Vide* Appendix HH.

[*These questions were asked at the meeting held on the 10th December 1919, when* ad interim *replies were given.*]

QUESTIONS AND ANSWERS.

[2ND AUGUST 1920.]

[*Mr. S. B. Upasani.*]

Questions.

Answers.

4. Will Government be pleased—

(*a*) to lay on the table a statement showing the total number of the voters who will be entitled to vote for election to the Bombay Provincial Legislative Council to represent each of the constituencies referred to in the rules published in Part I of the *Bombay Government Gazette* of the 14th June 1920, under Government Notification No. 1117-R. dated the 11th June 1920?

Voters: Reformed Council.

(*b*) To give the number of voters in each District who will be entitled to vote for election to the Legislative Assembly to represent this Presidency as also the number of voters in each District who will be entitled to vote for election to the Council of State to represent this Presidency?

4. The total number of voters will not be available till the final publication of the rolls in October next.

5. (*a*) Has Government's attention been drawn to the complaints made as regards rice control in the letter published in the *Bombay Chronicle* of the 24th February 1920, 3rd March 1920 and in the discussion in the Bombay Municipal Corporation reported in the issue of the 27th February 1920 of the same paper and in the resolutions passed at a public meeting of the mill workers of Bombay published in the said paper in its issue of the 14th April 1920?

Rice control.

5. (*a*) The complaints referred to regarding rice control have come to the notice of Government.

(*b*) If so, will Government be pleased to state if any inquiry has been made into the complaints and with what result?

(*b*) No special inquiry was made, close touch was maintained with the conditions prevailing in the rice market and the arrangements and machinery of control were adjusted to suit the varying conditions as they arise.

6. Will Government be pleased to state—

(*a*) if memorials have been received from the Mamlatdars in the Presidency praying for temporary allowances until the revision of their pay is sanctioned?

Mamlatdars: Revised scale of pay.

6. (*a*) Yes.

(*b*) whether temporary allowances have been withheld on the ground that orders as regards revision in their case will be issued soon?

(*b*) No.

7. Will Government be pleased to state the number of graduates and non-graduates who

Graduates and non-graduates.

7. Information will be called for.

QUESTIONS AND ANSWERS.

[2ND AUGUST 1920.] [*Mr. S. B. Upasani.*]

Questions.	*Answers.*
have passed the Higher Standard Examination in the several Divisions of the Presidency but have not yet been appointed to Mamlatdar's posts?	
8. Will Government be pleased to state how many of the Collector's Head Clerks who have recently been graded as Mamlatdars have passed the Higher Standard Examination and how many of them are graduates and how many non-graduates? (Collector's Head Clerks.)	8. Information will be called for.
9. Will Government be pleased to state how many of the Deputy Collectors have been appointed by direct recruitment to Deputy Collectors' posts and how many promoted from the Mamlatdars' services? (Appointment of Deputy Collectors.)	9. 22 directly recruited and 66 promoted from Mamlatdars.
10. Will Government be pleased to state— Whether it is a fact that the Municipality of Lonavla has passed a resolution to appoint a chief officer on Rs. 300—400 and if so if it is within the power of a town Municipality with a population of less than fifteen thousand to appoint a chief officer under the District Municipal Act? (Lonavla Municipality Chief Officer.)	10. Government have no information on the subject, but it is being obtained. The reply to the latter part of the Honourable Member's question is in the negative.
11. Will Government be pleased to state if sanction of the Government of India has been received to the proposal made by me in a resolution moved at the Council Meeting in July 1919, which was accepted by Government, suggesting that the entire service of vernacular teachers be regarded as pensionable though part of it be on a salary of less than Rs. 10? (Vernacular teachers: Pensionable service.)	11. The matter is still under correspondence with the Government of India.
12. Will Government be pleased to state how many students were admitted this year— (Admissions to Colleges.)	12. (*a*) The number of students admitted to the college in the first year is 150 while that of those refused admission is 470.
(*a*) to the Bombay Grant Medical College,	
(*b*) to the Victoria Jubilee Technical Institute,	(*b*) and (*c*) Enquiry is being made.
(*c*) to the Poona Engineering College, and how many refused admission?	

QUESTIONS AND ANSWERS.

[*Mr. Harchandrai Vishindas.*] [2ND AUGUST 1920.]

Questions.	*Answers.*
THE HONOURABLE MR. HARCHANDRAI VISHINDAS, C.I.E.	
1. (*a*) Is it a fact that first and second class passengers arriving by steamer from Bombay to Karachi are not allowed to land until after the Police have boarded the steamer and checked the names of passengers? Restrictions upon steamer passengers.	1. (*a*), (*b*), (*c*), (*d*), (*e*), (*f*) Enquiries will be made.
(*b*) If so, is it a fact that if steamers arrive at midnight the passengers are prevented from landing until the arrival of the Police at 8 a. m. the next morning?	
(*c*) Will Government be pleased to state if it is a fact that no similar restriction is observed in respect of arrivals in the Bombay Harbour from Karachi or the Persian Gulf?	
(*d*) If so, will Government be pleased to state why it is necessary to impose the restriction in one port and not in the other?	
(*e*) Is it true that even in Karachi the rule does not apply to deck passengers?	
(*f*) If so, will Government be pleased to state what useful purpose is served by only the first and second class passengers being subjected to a restriction from which passengers of an inferior class are exempt?	
2. Will Government be pleased to state why the office of the Sindhi Translator in Sind is held by the Assistant Commissioner in Sind who has been invariably a European Civilian while the much more important post of the Oriental Translator to the Government of Bombay is held by an Indian? Sindhi Translator in Sind.	2. Because the post of Sindhi Translator is not a full-time appointment, and there is no other officer to whom the duties can conveniently be assigned.
3. (*a*) Will Government be pleased to state if the word Mofussil in Government Circular No. 438, dated 25th June 1920, includes Karachi? Increases in pay: permanent and provisional.	3. (*a*) Yes.
(*b*) If so, have Government taken into account that the cost of living and other like considerations which induce Government to provide more liberal terms for their servants in Bombay, apply in no less degree to Karachi, and that acting on this principle, Government sanctioned local allowances for their Karachi employees in the pre-war times?	(*b*) Yes, the point is under consideration.

QUESTIONS AND ANSWERS.

[2ND AUGUST 1920.] [*Mr. Harchandrai Vishindas.*]

Questions.

Answers.

4. Will Government be pleased to state whether they have received any proposals from the Commissioner in Sind regarding the grant of house-rent and local allowances to employees in Karachi and if so, whether any decision has been reached in respect thereof?

Karachi: House-rent and local allowances.

4. Proposals for Karachi allowances on revised pay of clerks are under consideration of Government.

5. (*a*) Will Government be pleased to state the reason for the discrepancy between the annual increments of the clerical establishments of the Telegraph Department sanctioned by the Government of India, *viz.*, Rs. 6 for lower and Rs. 10 for Upper Divisions and those sanctioned by this Government, *viz.*, annual and biennial increments of Rs. 5?

Telegraph Department: discrepancies in pay.

5. (*a*) and (*b*) Government have no official information of the rates of pay and increment sanctioned by the Government of India for the clerical establishment of the Telegraph Department. An exact coincidence between the rates sanctioned by the Government of India for the Telegraph Department and by the Government of Bombay for their clerical establishment could not be expected in view of the difference in many of the factors which govern the decision in each case.

(*b*) If Government is aware that whilst Government of India have sanctioned increments for the Telegraph Department on the basis of the length of service this Government has done so on the pay of the post?

(*c*) If Govetnment is aware that in the latter case a vast majority will be unable to attain the maximum pay?

(*c*) If the Honourable Member will indicate in what sense he is using the phrase "maximum pay" the information asked for will be given.

6. Will Government be pleased to state if it is a fact that Government have recently sanctioned a house-rent allowance at Karachi for Head Clerks in the Revenue Department who are on the grade of Mukhtiarkars? If so, will Government be pleased to state whether they propose to give rent allowance to non-ministerial members of other departments such as Excise, Customs, Income Tax, etc., who are not provided with free quarters?

Certain house-allowances: Karachi.

6. Yes. The question of an allowance to compensate for high cost of living and house-rent in Karachi, is under consideration of Government.

7. Will Government be pleased to state if it is a fact (*a*) that a scheme for the revision of the preventive branch was submitted to Government in November last;

Revision of pay: Preventive branch, Customs.

7. (*a*) Yes.

(*b*) that no such scheme for the revision of the pay of other branches of the Customs Service has yet been submitted?

(*b*) No.

8. Will Government be pleased to state whether the above quoted Circular No. 438 of 25th June 1920 is applicable to Imperial departments such as Customs?

Circular No. 438, 25th June 1920.

8. Yes.

QUESTIONS AND ANSWERS.

[*Mr. Harchandrai Vishindas.*] [2ND AUGUST 1920.]

Questions.

9. Will Government be pleased to state—

Preventive officers: Karachi.

(*a*) The number of permanent and temporary preventive officers in the Karachi Customs and how many of these are Indians and how many non-Indians ?

(*b*) if it is a fact that Mr. Younghusband, a former Commissioner in Sind, appointed 2 Indians as preventive officers ?

(*c*) if it is a fact that when one of these was transferred later, his post was filled up by a non-Indian ?

(*d*) how many posts of permanent and temporary preventive officers have fallen vacant since 1912 and how many of these have been conferred on Indians and how many on non-Indians ?

(*e*) if it is a fact that whenever there is a vacancy of a preventive officer, Indian Wharfingers and tally clerks already working in the Preventive Department are passed over and non-Indians from different parts of India imported ?

(*f*) if it is a fact that Indians in the preventive service of about 20 years' service are drawing Rs. 60 to Rs. 70 *plus* war allowance, while non-Indians in the preventive service are getting at least Rs. 200 pay *plus* free-quarters *plus* overtime fees after the same period of service ?

Answers.

9. (*a*) to (*f*). Information will be called for.

APPENDIX A.

	Total No. of pupils from "the untouchable classes" at present studying in	
	Government schools and colleges.	Aided schools and colleges.
(*a*) Secondary schools	23	115
(*b*) Professional colleges	.....	.....
(*c*) Arts colleges	1	.....
(*d*) Medical schools, Art schools and Technical and Industrial schools	.....	42
Total ...	24	157

APPENDIX B.

No. E.S.T.—86.

Camp Kumta, 5/9th February 1920.

From

L. J. MOUNTFORD, Esquire, C.B.E., I.C.S.,
Commissioner, Southern Division;

To

The Collector of (all in Southern Division) except Kanara.

Sir,

I have the honour to request that you will endeavour to obtain Lingayat candidates for Mamlat and will therefore pay special attention to Lingayat karkuns in your office and in those under you.

2. Out of 132 candidates for Mamlat practically all are Brahmins: there are only 4 Lingayats and 1 Maratha. Due care has not apparently been paid in the past to admixture of caste.

* The remarks apply with equal force to Marathas.

I have the honour to be,

Sir,

Your most obedient servant,

(Signed) L. J. MOUNTFORD,
Commissioner, S. D.

* For Kolaba and Ratnagiri only.

APPENDIX C.

Public Service—

Regarding the employment of Lingayats in Government service.

No. 625.

GENERAL DEPARTMENT.

Bombay Castle, 23rd January 1914.

RESOLUTION OF GOVERNMENT.

On the occasion of his recent visit to Dharwar an address of welcome was presented to his Excellency the Governor by the members of the Lingayat Education Association of that place. In the address reference was made to the disproportionately small representation of the community in the several Departments of the public service. In reply His Excellency gave the members of the Association an assurance of cordial encouragement in their praiseworthy endeavours and asked them to rely on the determination of Government to deal absolutely fairly with the Lingayat community, as with all others, in the matter of appointments of duly qualified men in the various Departments.

2. The Honorary Secretary of the Lingayat Education Association, Dharwar, should be requested to send from time to time the names of qualified candidates to the Private Secretary to His Excellency the Governor in the case of gazetted appointments and to the heads of offices and Departments concerned in the case of non-gazetted appointments. The Association should be informed that names so submitted will be considered with others when occasion arises.

J. L. RIEU,
Secretary to Government.

To

All Departments of the Secretariat,
All Heads of Offices under the several Departments of the Secretariat,
The Private Secretary to His Excellency the Governor,
The Prothonotary and Registrar of His Majesty's High Court of Judicature, Original Side, Bombay,
The Registrar of His Majesty's High Court of Judicature, Appellate Side, Bombay,
The Honorary Secretary, Lingayat Education Association, Dharwar (by letter No. 627 dated the 23rd January 1914).

No. of 1914.

Copy forwarded for information and guidance to

APPENDIX D.

Statement showing the account of collections of Landing and Wharfage fees by ports.

Name of the port.	1916-17.		1917-18.		1918-19.		Total.		Grand Total.
	Collections from the passengers by		Collections from the passengers by		Collections from the passengers by		Collections from the passengers by		Collections together.
	Steamers.	Machwas.	Steamers.	Machwas.	Steamers.	Machwas.	Steamers.	Machwas.	
	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
y	.....	.....	6,318 1 6	234 6 0	5,780 14 6	136 15 9	12,099 0 0	371 5 9	12,470 5 9
... ...	.....	.....	.....	.....	.....	2 14 0	.....	2 14 0	2 14 0
ay	.....	.....	.....	2 11 0	.....	1 10 6	.....	4 5 6	4 5 6
(including) Belapur. Napwa.	.....	.....	2,119 0 6	474 10 9	2,173 4 6	420 0 0	4,291 5 0	894 10 9	5,185 15 9
... ...	.....	.....	2,754 9 3	1,622 6 0	3,008 5 0	1,526 15 0	5,762 14 3	3,149 5 0	8,912 3 3
a (including) Rewas. wa Dharamtar.	.....	.....	8,492 0 6	1,955 12 0	10,112 2 0	1,620 12 0	18,604 2 6	3,576 8 0	22,180 10 6
... ...	.....	.....	.....	96 0 0	.....	144 0 0	.....	240 0 0	240 0 0
... ...	.....	.....	1,381 11 6	.....	1,753 3 0	.....	3,134 14 6	.....	3,134 14 6
da	.....	.....	2,751 13 0	30 3 3	3,411 7 6	48 0 0	6,193 4 6	78 3 3	6,271 7 9
... ...	.....	.....	.....	4 3 0	.....	6 14 0	.....	11 1 0	11 1 0
... ...	.....	.....	4,473 3 0	.....	5,453 7 6	.....	9,926 10 6	.....	9,926 10 6
... ...	.....	.....	5,774 10 0	12 14 0	7,005 9 0	13 2 6	12,780 3 0	26 0 6	12,806 3 6
... ...	.....	.....	833 13 6	.....	823 14 0	.....	1,656 11 6	.....	1,656 11 6
... ...	.....	.....	4,883 13 0	.....	6,537 5 6	2 9 6	11,421 2 6	2 9 6	11,423 12 0
a (Tiwri)	.....	.....	561 11 6	.....	758 8 0	.....	1,320 3 6	.....	1,320 3 6
iri	.....	.....	5,049 10 0	5 15 9	6,525 5 0	0 6 6	11,574 15 0	6 6 3	11,581 5 3
ar	.....	.....	3,007 0 0	4 1 0	4,003 2 0	6 0 3	7,010 2 0	19 1 3	7,029 3 3
arg	.....	.....	2,977 13 6	.....	4,008 9 0	.....	6,986 6 6	.....	6,986 6 6
l	.....	.....	2,930 15 6	.....	3,762 13 6	.....	6,693 13 0	.....	6,693 13 0
... ...	.....	.....	352 9 0	.....	423 2 6	.....	775 11 6	.....	775 11 6
a	.....	.....	4,236 7 6	7 10 9	5,596 13 0	4 15 6	9,833 4 6	12 10 3	9,845 14 9
ia	.....	.....	4,852 12 0	3 14 3	6,023 12 6	3 7 2	10,876 8 6	7 5 6	10,883 14 0
... ...	.....	.....	353 3 6	2 10 0	543 9 6	1 8 0	896 13 0	4 2 0	900 15 0
... ...	.....	2 12 9	84 3 6	5 14 0	601 4 6	1 14 0	685 8 0	10 8 9	696 0 9
... ...	.....	.....	121 7 6	.....	186 5 6	.....	307 13 0	.....	307 13 0
ar	.....	.....	53 13 6	3 7 9	91 7 6	2 10 6	145 5 0	6 1 6	151 6 6
il	.....	.....	154 4 6	.....	226 6 0	.....	380 10 6	.....	380 10 6
OTHER PORTS.									
Janjira State.									
... ...	.....	.....	2,405 10 0	.....	3,130 8 6	.....	5,536 2 6	.....	5,536 2 6
vardhan ...	.....	.....	1,031 7 0	.....	1,201 13 0	.....	2,233 4 0	.....	2,233 4 0
iwar	.....	.....	2,993 2 0	.....	3,760 5 0	.....	6,753 7 0	.....	6,753 7 0
Total ...	.....	2 12 9	76,977 14 3	4,456 10 9	86,902 5 6	3,944 11 3	1,57,880 3 9	8,414 2 9	1,66,294 6 6

APPENDIX E.

Statement showing figures of actual expenditure on account of "landing and wharfage fees fund" during the year 1918-19 tabulated as per instructions in item 3 (2) of the proceedings of the meeting of the Committee.

Name of District.	Name of Taluka.	Name of Port. Main Port.	Name of Port. Sub or Creek Port.	Details of works.	Amount sanctioned. In the Budget.	Amount sanctioned. In the supplementary list of works as per Government Order, Revenue Department, No. 1988, dated 25th February 1919.	Actual expenditure. By Civil Agency.	Actual expenditure. By Public Works Agency.	Actual expenditure. Total.	Excess.	Savings.	Remarks.
					Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	
Ratnagiri ...	Bankote ...	Bankote ...	.....	Repairs and maintenance of Dharmasala at Bankote.	.....	.....	30 0 0	*f*		.....	.....	*a*=Met from the provision of Rs. 4,000 for "Unforeseen Minor Works and Repairs" under Public Works by Civil Agency in the budget.
				Special repairs to the wharf at Bankote ...	.....	.....	90 9 0	*b*		.....	.....	
				Repairs to the railings and side steps of the wharf at Bankote.	.....	.....	50 0 0	*f*		.....	.....	*b*=Met from the provision of Rs. 675 for work No. II in the budget under Part I (*b*) Appendix II.
				Wooden ladder for the wharf at Bankote ...	.....	.....	134 6 5	*b*		.....	.....	
				Privies at Bankote ...	.....	200 0 0	230 8 5	.....		30 8 5	*a*	*c*=Met from the provision of Rs. 2,480 for "Uniforseen Minor Works and Repairs" under Public Works by Public Works Agency in the budget (*vide* please Government Order, Public Works Department No. A-10549, dated the 29th October 1918).
				Light at the Dharmasala at the Bankote wharf.	24 0 0	.....	20 0 0	.....		.....	4 0 0	
				Receipt Stamps ...	.....	.....	0 8 0	*f*		.....	.....	*d*=Met from the provision of Rs 220 for work No. 10 in the budget under Part I (*b*) Appendix II.
									555 10 10			
Do. ...	Do. ...	.....	Bag-Mandla.	Waiting shed at Bag Mandla ...	.....	225 0 0	225 0 0	.....		.....	.....	*e*=Met from the provision of Rs. 760 for work No. 8 in the budget under Part I (*b*) Appendix II.
				Erecting a light at Bag Mandla ...	.....	.....	20 0 0	*a*		.....	.....	*f*=Met from the provision of Rs. 2,056 for works at No. I Part I (*a*) and for those at Nos. 14 at 20 Part I (*b*) Appendix II (*vide* please Deputy Commissioner, Southern Division's C. R. No. 458, dated 19th February 1918).
									245 0 0			
Do. ...	Do. ...	.....	Mahpral ...	Repairs to the wharf at Mahpral ...	300 0 0	.....	299 14 6	.....		.....	0 1 6	
				Erecting a light at Mahpral ...	200 0 0	.....	230 0 0	.....		30 0 0	*d*	
				Maintenance of the Dharmasala at Mahpral.	.....	.....	32 0 0	*f*		.....	.....	
									561 14 6			

Ratnagiri ...	Bankote ...	.....	Anjarla ...	Repairs and maintenance of the Dharmasala at Anjarla.	.....	.....	20 5 2	*f*		.....	.....		
				Repairs to the wharf at Anjarla ...	.....	.....	10 0 0	*f*		.....	.....		
									30 5 2				
Do. ...	Do. ...	Harnai ...	.....	Repairs and maintenance of the Dharmasala at Harnai.	.....	.....	37 3 3	*f*		.....	*		
				Road from the bandar to the Public Works Department road at Harnai.	1,001 0 0	.....	1,564 0 0	.....		563 0 0	*a*		
			*	Maintenance of Kitson light at Harnai ...	.....	.....	285 2 6	*f*		.....	.....		
									1,886 5 9				
Do. ...	Dabhol ...	Dabhol ...	.....	Repairs and maintenance of the Dharmasala and light at Dabhol.	.....	.....	259 6 10	*f*		.....	.....		
				Receipt stamps ...	.....	.....	0 2 0	*f*		.....	.....		
			*	Erection of a new Kitson light at Dabhol ...	.....	.....	465 0 0	*e*		.....	.....		* Indicates expenditure incurred on Kitson lights.
				Privies and urinal at Dabhol ...	534 0 0	.....	635 3 2	.....		101 3 2	*a*		
									1,359 12 0				
Do. ...	Do. ...	.....	Karbone ...	Jetty at Karbone ...	.....	200 0 0	200 0 0	.....	200 0 0	.....	.....		
Do. ...	Do. ...	.....	Chiveli ...	Jetty at Chiveli ...	.....	200 0 0	200 0 0	.....	200 0 0	.....	.....		
Do. ...	Do. ...	.....	Karool ...	Jetty at Karool ...	.....	200 0 0	244 0 0	.....		44 0 0	*d*		
				Dharmasala at Karool ...	.....	500 0 0	602 11 7	.....		102 11 7	*d*		
									346 11 7				
Do. ...	Do. ...	.....	Gowalkote .	Waiting shed at Gowalkote ...	.....	460 0 0	559 13 10	.....	559 13 10	99 13 10	*a*		
Do. ...	Do. ...	Borya ...	.....	Repairs and maintenance of a light and Dharmasala at Borya.	.....	.....	40 4 10	*f*		.....	.....		
				Surveying and preparing plans and estimate for the landing place at Borya.	.....	.....	.....	192 0 0	*c*	.....	.....		
				Dharmasala at Borya ...	1,530 0 0	.....	1,499 14 0	.....		.....	30 2 0		
									1,732 2 10				
				Carried forward ...	.....	.....	.....	.....	.....				

Name of District.	Name of Taluka.	Name of Port.		Details of works.	Amount sanctioned.		Actual expenditure.			Excess.	Savings.	Remarks.
		Main Port.	Sub or Creek Port.		In the Budget.	In the supplementary list of works as per Government Order, Revenue Department, No. 1988, dated 25th February 1919.	By Civil Agency.	By Public Works Agency.	Total.			
					Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	
				Brought over ...	.....	.....	.....	.....	.....	.....	.....	
Ratnagiri ...	Ratnagiri ...	Jaigad ...	.....	Maintenance of a kitson light at Jaigad ...	.....	.....	287 0 0	*f*		.....	.....	
				Repairs and maintenance of the Dharmasala and light at Jaigad.	.....	.....	55 5 0	*f*		.....	.....	
				Receipt stamp ...	.....	.....	0 1 0	*f*		.....	.....	
				Water supply at Jaigad ...	.....	.....	40 0 0	*a*		.....	.....	
				Repairs to the landing pier at Jaigad ...	.....	.....	140 0 0	*f*		.....	.....	
									522 6 0			
Do. ...	Do. ...	Varvda (Tiwri).	.....	Repairs to the branch road from pier to the bandar at Tiwri.	.....	.....	15 0 0	.....		.....	.....	Met from the provision of Rs. 540 for work No. 4 in the budget under Part I (*a*) Appendix II.
				Repairs to the landing place at Tiwri bandar.	.....	.....	15 0 0	*b*		.....	.....	
				Surveying and preparing plans and estimates for the landing place at Tiwri.	.....	.....	.....	210 0 0	*c*	.....	.....	
				Covering the well near the ticket office at Tiwri.	.....	.....	15 0 0	*f*		.....	.....	
				Mandap for the passengers at Tiwri ...	.....	.....	15 0 0	*f*		.....	.....	
				Erection and maintenance of the bandar light at Tiwri.	.....	.....	7 7 6	*f*		.....	.....	
									277 7 6			
Do. ...	Jaitapur ...	Jaitapur ...	.....	Repairs and maintenance of the Dharmasala at Jaitapur.	.....	.....	36 7 6	*f*		.....	.....	
				Maintenance of the wharf light at Jaitapur .	.....	.....	20 15 0	*f*		.....	.....	
				Surveying and preparing plans and estimates for the landing place at Jaitapur.	.....	.....	.....	150 0 0	*c*	.....	.....	

				Special repairs to the side room of the Dharmasala at Jaitapur.	.....	.....	100 0 0	.....		.....	.....	Met from the provision of Rs. 100 for work No. 8 sanctioned in the supplementary list of works.
				Extending the landing place at Jaitapur ...	215 0 0	.....	240 0 0	.....		25 0 0	*a*	
									556 6 6			
Do. ...	Do. ...	.....	Rumipur ...	Dharmasala at Rumipur ...	.....	726 0 0	726 0 0	.....	726 0 0	.....	.....	
Do. ...	Do. ...	Vizaidurg ...	.....	Repairs and maintenance of the Dharmasala at Vizaidurg.	.....	.....	28 11 0	*f*		.....	.....	
				Erection of a new Kitson light at Vizaidurg...	275 0 0	.....	530 0 0	.....		255 0 0	*e*	
				Fixing guard stones along the road at Vizaidurg bandar.	100 0 0	.....	100 0 0	.....		.....	.....	
				Strengthening the foot of the approach road at Vizaidurg.	275 0 0	.....	275 0 0	.....		.....	.....	
				Special repairs to the road leading to the Dharmasala at Vizaidurg.	.....	175 0 0	175 0 0	.....		.....	.....	
				Parapet wall round the well at Vizaidurg ...	.....	30 0 0	30 0 0	.....		.....	.....	
				Repairs to the gutters across the road at Vizaidurg.	.....	25 0 0	25 0 0	.....		.....	.....	
				Special repairs to the landing place at Vizaidurg.	200 0 0	.....	200 0 0	.....		.....	.....	
									1,363 11 0			
Do. ...	Do. ...	.....	Waghoton	Special repairs to the pier at Waghotan ...	.....	.....	.....	1,090 0 0	*c* 1,090 0 0	.....	.....	
Do. ...	Malwan ...	Deogad ...	.....	Repairs and maintenance of the Dharmasala at Deogad.	.....	.....	54 15 3	*f*		.....	.....	
				Repairs to the road from the old to the new Custom House at Deogad.	.....	.....	30 0 0	*f*		.....	.....	
				Repairs to the approach road at Deogad bandar.	.....	.....	75 0 0	*f*		.....	.....	
				Fixing guard stones along the approach road at Deogad.	.....	105 0 0	104 8 0	.....		.....	0 8 0	
				Erection of a new Kitson light at Deogad ...	275 0 0	.....	519 13 0	.....		233 13 0	.....	Rs. 205 met from the provision for work No. 6 in the budget under Part I (*b*) and Rs. 33-13-0 from the provision of Rs. 540 for work No. 4 under Part I (*a*), Appendix II.
				Surveying and preparing plans and estimates for the landing place at Deogad.	.....	.....	.....	159 0 0	*c*	.....	.....	
									937 4 3			
				Carried forward ...	.....	.....	.....	.....	.....			

Name of District.	Name of Taluka.	Name of Port.		Details of works.	Amount sanctioned.		Actual expenditure.			Excess.	Savings.	Remarks.
		Main Port.	Sub or Creek Port.		In the Budget.	In the supplementary list of works as per Government Order, Revenue Department, No. 1988, dated 25th February 1918.	By Civil Agency.	By Public Works Agency.	Total.			
					Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	
				Brought over ...	.....	.....	.....	.....	.....	.....	.....	
Ratnagiri ...	Malwan ...	Achra ...	.....	Surveying and preparing plans and estimates for the landing place at Achra.	.....	.....	.....	159 0 0	*c*	.....	.....	
				Repairs to the road from Achra port to the village.	.....	.....	100 0 0	*f*		.....	.....	
				Construction of a Dharmasala at Achra ...	546 0 0	.....	1,020 0 0	.....		474 0 0	*a*	
									1,279 0 0	.....	.....	
Do. ...	Do. ...	Malwan ...	.....	Repairs and maintenance of the Dharmasala at Malwan.	.....	.....	52 2 8	*f*		.....	.....	
				Stone wall to enclose three sides of the Dharmasala at Malwan.	.....	400 0 0	399 14 9	.....		.....	0 1 3	
				Erection of a new Kitson light at Malwan ...	800 0 0	.....	670 3 2	.....		.....	129 12 10	
				Surveying and preparing plans and estimates for the landing place at Malwan.	.....	.....	.....	159 0 0	*c*	.....	.....	
				Receipt stamps ...	.....	.....	0 8 0	*f*		.....	.....	
									1,281 7 7	.....	.....	
Do. ...	Vengurla ...	Vengurla ...	.....	Maintenance of a light at Vengurla bandar ...	.....	.....	86 6 0	*f*		.....	.....	
				Privies with six seats at the Vengurla head bandar.	.....	750 0 0	825 0 0	.....		75 0 0	*a*	
				Receipt stamp ...	.....	.....	0 1 0	*f*		.....	.....	
									911 7 0	.....	.....	
				Total Ratnagiri District ...	.....	.....	.....	.....	17,122 14 4	.....	.....	
North Kanara.	Karwar ...	Karwar ...	.....	Special repairs to the screw pile pier at Karwar.	.....	.....	.....	2,493 0	*a*	.....	.....	*Vide* please Government Order, Revenue Department, No. 1988, dated 25th February 1919.
				Receipt stamp ...	.....	.....	0 1 0	*a*		.....	.....	
									2,493 1 0			

Do.	...	Sanikatta...	Tadri ...	.....	Surveying and preparing plans and estimates for constructing a road from Belekhan to Tadri.	.....	.....	.....	42 0 0		.....	.....	
					Receipt stamp ...	.....	.....	0 1 0	.....		.....	.....	
										42 1 0			
Do.	...	Honawar ...	Murdeshwar.	.....	Road at Murdeshwar ...	300 0 0	.....	300 0 0	.....		.....	.....	
					Receipt stamp ...	.....	.....	0 1 0	a		.....	.....	
										300 1 0			
					Total North Kanara District ...	.....	.....	.....	.....	2,835 3 0			
					Grand Total ...	.....	.....	15,295 1 4	4,663 0 0	19,958 1 4			

APPENDIX F.

APPENDIX IV.

Landing and Wharfage Fees Fund Budget, 1919-20.

List of Works by Ports.

	Name of Work.	Estimated cost.	Class.
		Rs.	
1. Ulwa	... (1) Sakav (wooden bridges) Nos. 1 & 2	113	II b (C. A.)
	(2) Dharamshala, keeper and water-bearer	234	Do.
2. Mora	... Water-bearer	30	Do.
3. Karanja	... Dharamshala and keeper	65	Do.
4. Kandwa	... Do. do. and water-bearer	107	Do.
5. Rewas	... (1) Dharamshala, keeper and water-bearer	250	Do.
	(2) Repairs to the pier	690	II (P. W. D.
6. Nawkhar	... Dharamshala	29	II b (C. A.)
7. Dharamtar	... (1) 3 Dharamshalas, keepers, water-bearer and sweeper ...	766	Do.
	(2) Latrines	40	Do.
	(3) 2 Dharamshalas (on Pen side), keeper and water-bearer.	298	Do.
8. Sambri	... Dharamshala	18	Do.
9. Sakrai	... Do. and keeper	76	Do.
10. Nidi	... Do. do.	74	Do.
11. Nagothna	... Dharamshala (rent for 5 months), keeper, water-bearer and cart allowance	143	Do.
12. Alibag	... Construction of a waiting room	2,000	I b (C. A.)
13. Rewdanda	... (1) Metalled road from booking office to place of embarkation	350	Do.
	(2) Latrines	34	II b (C. A.)
	(3) A well	10	Do.
	(4) 2 Dharamshalas, keeper, water-bearer and sweeper ...	282	Do.
14. Korlai	... Dharamshala and keeper	43	Do.
15. Dasgaon	... (1) 2 Dharamshalas and keeper	266	Do.
	(2) Stable	30	Do.
	(3) Jetty	24	Do.
16. Gotha	... Dharamshala and keeper	37	Do.
17. Bankote	... (1) Wharf	50	Do.
	(2) Dharamshala	32	Do.
18. Bagmandha	... (1) Mandap	80	Do.
	(2) Light	30	Do.
19. Mahapral	... Dharamshala	32	Do.
20. Karnai	... (1) Kitson light	220	Do.
	(2) Dharamshala	32	Do.
	(3) Light in Dharamshala	30	Do.
	(4) Repairs to the approach road	20	II a (C. A.)
	(5) Water-supply	120	II b.
21. Dabhol	... (1) Lights at bandar and Dharamshala	284	Do.
	(2) Dharamshala	40	Do.
	(3) Privies	10	Do.
	(4) Kitson light	300	Do.
22. Chiveli	... (1) Jetty	5	Do.
	(2) Dharamshala	20	Do.
23. Karul	... (1) Jetty	5	Do.
	(2) Dharamshala	20	Do.
24. Karbavane	... (1) Jetty	5	Do.
	(2) Dharamshala	20	Do.
	(3) A well	3	Do.
25. Govalkote	... Shed	20	Do.
26. Adur (Borya)	... (1) Dharamshala	30	Do.
	(2) Lamp	30	Do.
	(3) Landing place	1,613	I b (P. W. D.)
27. Jaigad	... (1) 2 blocks of privies	403	Do.
	(2) Extension of and repairs to the pier ...	1,613	II b (P. W. D.)
	(3) Landing place	140	II b (C. A.)
	(4) Kitson light	300	Do.
	(5) Dharamshala with light	90	Do.
	(6) Well and water-supply	190	Do.
	(7) Privies	40	Do.
28. Dhamankhol	... (1) Waiting shed	300	I b (C. A.)
	(2) Landing place	250	II b (C. A.)
29. Tiwri	... (1) Light	280	I b (C. A.)
	(2) Landing place	75	II b (C. A.)
	(3) Well near the ticket office	15	Do.
	(4) Mandap near do.	15	Do.
	(5) Repairs to approach road to bandar	40	II a (C. A.)
	(6) Approach road from bandar to Custom House ...	806	I a (P. W. D.)
	(7) Landing place	1,613	I b Do.

	Name of Work.	Estimated cost.	Class.
		Rs.	
20. Jaitapur ...	(1) A light at Dharamshala	410	I-b (P. W. D.)
	(2) Special repairs to road from landing place to the Custom House and from landing place to the well *vid* Dharamshala	500	II a (C. A.)
	(3) Repairs to the road from the landing place to the Custom House at Jaitapur	20	Do.
	(4) Repairs to the road from the landing place to the Dharamshala and the well.	20	Do.
	(5) Landing place	20	II b (C. A.)
	(6) Light on wharf	30	Do.
	(7) Dharamshala	66	Do.
	(8) 2 wells and 1 tank	15	Do.
	(9) Special repairs to the well of tank	200	Do.
31. Musakaji (for Jaitapur).	Landing place	1,613	I b (P. W. D.)
32. Viziadurg ...	(1) Dharamshala	49	II b.
	(2) A well near Dharamshala	5	Do.
	(3) Kitson light	300	Do.
33. Deogad ...	(1) Dharamshala	66	Do.
	(2) A well near Dharamshala	5	Do.
	(3) Kitson light	300	Do.
	(4) Landing place	1,613	I b (P. W. D.)
34. Achra ...	(1) Light at Dharamshala	45	I b (C. A.)
	(2) Dharamshala (ground rent for the site)	57	II b (C. A.)
	(3) Landing place	1,613	I b (P. W. D.)
35. Malvan ...	(1) Privies with 4 seats	760	I b (C. A.)
	(2) Dharamshala	58	II b (C. A.)
	(3) Well near Dharamshala	1	Do.
	(4) Kitson light	300	Do.
36. Vengurla ...	(1) Lights at Head bandar	100	Do.
	(2) Privies	60	Do.
27. Tadri ...	Temporary shed for passengers at Mahashivratri fair ...	100	I b (C. A.)
	Total ...	23,556	
		Rs.	
	Unforeseen Works by Civil Agency	4,480	
	Do. do. Public Works Agency	6,993	
	Grand Total ...	35,029	

APPENDIX G.

Statement showing information regarding cultivated area, etc., in the Haliyal Taluka of the Kanara District for the years 1915-16 to 1919-20.

Year.	Cultivated area.	Annavaluation of Crops.	Remission.	Suspension.	Total amount of annual assessment.	Number of Cattle.	General agricultural condition.	Remarks.
1	2	3	4	5	6	7	8	9
	A. g.		Rs. a. p.	Rs. a. p.	Rs. a. p.			
1915-16 ...	30,168 16	10	...	.....	74,538 15 0	29,141	Good	The figures shown in column 7 are as per census of cattle taken in 1915-16 and 1919-20.
1916-17 ...	30,628 12	6	...	.....	76,826 9 4	...	Not good owing to failure of rains.	
1917-18 ...	27,660 23	6	569 2 6	.....	76,543 7 7	...		
1918-19 ...	27,153 20	4	...	(a) 68,773 10 9	76,302 4 7	...	Very poor due to failure of rains and influenza.	
1919-20 ...	30,115 27	12*	63 3 6	(b) 11,944 14 1	76,263 14 8	26,352	Fair; 5,158 acres of rice land (*i.e.*, more than one-third of the total rice area—14,526 acres) prepared for cultivation could not be sown owing to unseasonable monsoon.	*The crops where sown were good; but unseasonable rain prevented the sowing of a considerable area.
				(c) 32,521 6 6				

(a) This is the amount suspended out of the consolidated land revenue of the year 1918-19.
(b) Do. do. do. for the year 1919-20.
(c) This is further suspended out of (a).

APPENDIX H.

Statement showing the strength of each school excluding pupil teachers in the Mahi Kantha Agency with t name of each Head Master and the increase received by him during the last 10 years from 1910—1920.

No.	Name of School.	Grade of School in 1910.	Number of boys or girls on roll.	Standards taught.	Name of Head Master.	Designation.	Qualification.	Pay in 1910.	Pay in 1918.	Pay after revision October 1918.	Total increase.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12	13
	Bawishi Thana.							Rs.	Rs.	Rs.	Rs.	
1	Dabhoda boys' ...	23	102	6	Maganlal Bechardas.	Head Master ... 1st Assistant ... 2nd do. ...	3rd year 1897 . V. F. E. ... Do. ...	20 8 5	30 12 7	50 13 12	30 5 7	
2	Do. girls' ...	10	42	4	Sankli Raghunath .	Head Mistress ... Assistant ...	1st year 1917... Rule 4 St. IV .	10 2	11 2	20 12	10 10	
3	Vadodra ...	21	60	6	Javansing Rajaji ...	Head Master ... Assistant ...	1st year 1914... St. VI ...	8 7	14 7	20 12	12 5	Trained by M Kantha Sch ship.
4	Mahisa boys' ...	23	82	6	Prabhashankar Khushal.	Head Master ... 1st Assistant ... 2nd do. ...	3rd year 1894 . V. F. E. ... Do. ...	20 6 5	23 7 7	35 13 12	15 6 7	Transferred Idar State.
5	Do. girls' ...	8	30	5	Itchha Havji ...	Head Mistress ... Assistant ...	St. V ... St. IV ...	8 2	11 3	15 12	7 10	
6	Kaprupur ...	11	33	3	Pitambar Ujamshi.	Head Master ...	P. S. C. ...	11	13	15	4	
7	Kadjodra ...	11	40	5	Bapulal Sawal ...	Do. ... Assistant ...	St. VI ... V. F. E. ...	7 2	11 7	15 12	8 10	
8	Khanpur ...	13	42	5	Jechand Harjivan .	Head Master ... Assistant ...	P. S. C. ... V. F. C. ...	10 2	11 7	15 12	5 10	
9	Rakhial ...	12	43	6	Punjalal Bajaram .	Head Master ... Assistant ...	2nd year 1919 . St. VI ...	... 4	7 7	20 12	13 8	Trained by Kantha Sch ship for 2 ye
10	Anguthla ...	12	35	4	Bhogilal Parbhudas.	Head Master ...	P. S. C. ...	10	11	15	5	
11	Harsoli ...	16	52	6	Amratlal Ghelabhai.	Head Master ... Assistant ...	P. S. C. ... Do. ...	10 7	12 7	20 12	10 5	
12	Harakhjirna Muada.	16	71	6	Chaturdas Parbhudas.	Head Master ... Assistant ...	Do. ... V. F. C. ...	12 5	15 7	20 12	8 7	
13	Palundra ...	10	29	4	Nanalal Jethalal ...	Head Master ...	St. VI ...	7	11	15	8	
14	Barmuada ...	10	38	4	Lalloo Chhagan ...	Do. ...	St. V ...	10	11	15	5	
15	Kothi ...	7	25	4	Sakharam Ramchandra.	Do. ...	P. S. C. ...	12	13	15	3	
16	Lihoda ...	7	34	4	Chhaganlal Jethalal.	Do. ...	Do. ...	12	14	15	3	
17	Samatri ...	...	25	3	Seth Lagarus Chohan.	Do. ...	Do. ...	...	11	15	4	
18	Doma ...	...	14	3	Davabhai Mayabhai.	Do. ...	Do. ...	8	11	15	7	
	Katosan Thana (2).											
19	Santhal ...	12	89	6	Kalidas Divchand .	Head Master ... Assistant ...	3rd year 1898 . V. F. C. ...	21 7	25 7	35 12	14 5	
20	Katosan ...	12	70	5	Dalsookh, Maganlal.	Head Master ... 1st Assistant ... 2nd do. ...	3rd year 1917 . St. VI ... St. V ...	7 6 ...	20 9 7	25 12 12	18 6 12	Trained by Scholorship 3 years.
21	Maguna ...	10	70	5	Shivlal Shankarlal.	Head Master ... Assistant ...	P. S. C. ... V. F. C. ...	11 3	12 7	15 12	4 9	
22	Palaj ...	10	16	3	Umedmia Jamiatmia.	Head Master ...	1st year 1919...	...	11	15	4	Trained by Scholarshi
23	Deloli ...	...	48	3	Natalal Maganlal...	Do. ...	1st year 1917...	...	11	15	4	Do.
	Vatrak Kantha (3).											
24	Nirmali ...	16	65	6	Ganpatram Kohyaram.	Head Master ... 1st Assistant ... 2nd do. ...	3rd year 1899 . St. VI ... Do. ...	25 7 ...	30 9 9	30 12 12	5 5 12	Transferred Idar State,
25	Jher ...	16	92	6	Bechardas Baichand.	Head Master ... 1st Assistant ... 2nd do. ...	3rd year 1899 . P S. C. ... 1st year 1918...	32 6 5	32 9 9	40 12 12	8 6 7	Trained by Scholarshi
26	Narsipur ...	...	35	3	ChunilalRanchhod.	Head Master ...	St. VI ...	...	11	15	4	
	Gadhwada Thana (4).											
27	Satlasna ...	12	107	6	Karimbhai Suleman.	Head Master ... 1st Assistant ... 2nd do. ...	3rd year 1897 . St. VII ... Do. ...	23 5 ...	25 7 7	40 12 12	17 7 12	
28	Bhaluspa ...	10	40	4	Lallooram Umedram.	Head Master ...	2nd year 1919 .	...	11	20	9	Trained by Scholarshi
29	Umri ...	10	32	4	Jamnadas Madhoji.	Do. ...	1st year 1917 .	7	12	15	8	
30	Kothasna ...	...	35	3	Mansing Kanji ...	Do. ...	Rule 4 VI ...	5	11	15	10	
	Saber Kantha Thana (5).											
31	Dedhrota ...	11	10	3	Liladhar Laxmiram.	Head Master ...	P. S. C. ...	12	15	15	3	
32	Derol ...	10	25	4	Trikamlal Sankleshwar.	Do. ...	Do. ...	11	11	15	4	
33	Tajpuri ...	10	32	4	Baldew Parbhooram.	Do. ...	Do. ...	11	13	15	4	
34	Vaktapur ...	11	50	5	Govindlal Mohanlal.	Do. ... Assistant ...	2nd year 1896 . St. V ...	13 5	25 7	30 12	17 7	
35	Prempur ...	11	28	4	Khusal Vastaram	Head Master ...	P. S. C. ...	10	12	15	5	
36	Kadoli ...	10	37	3	Samal Lilachand ...	Do. ...	St. VI ...	7	11	15	8	

No.	Name of School.	Grade of School in 1910.	Number of boys or girls on roll.	Standards taught.	Name of Head Master.	Designation.	Qualification.	Pay in 1910.	Pay in 1918.	Pay after revision October 1918.	Total increase.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12	13
								Rs.	Rs.	Rs.	Rs.	
	Sadra Bazar (6).											
37	Sadra Boys ...	40	162	5	Bhaichand Punjidas.	Head Master ...	3rd year 1896 .	40	40	45	5	Permanent at Dabhoda on Rs. 50. Trained by M. K. Scholarship. Now on deputation to Training College for 2nd year. *Trained by M. K. Scholarship.
						1st Assistant ...	1st year 1918...	12	13	15	3	
						2nd* do. ...	1st year 1919...	10	11	13	3	
						3rd do. ...	St. VI ...	7	7	12	5	
						4th do. ...	V. F. C. ...	5	7	12	7	
						5th do. ...	Do. ...	5	7	12	7	
						6th do. ...	Do. ...	...	7	12	12	
38	Sadra Girls ...	35	104	5	Kirpa Ramdas ...	Head Mistress ...	3rd year 1884 .	35	35	40	5	
						1st Assistant ...	1st year 1896 .	10	13	15	5	
						2nd do. ...	IV ...	7	9	12	5	
						3rd do. ...	IV. ...	4	7	12	8	
39	Sadra A. V. School.	20	55	4	Gunvankai Acharya.	Head Master ...	Matric ...	...	...	25-2 30	...	
						1st Assistant ...	English St. V. F. C. VII.	15	20	20	5	
						2nd do. ...	English St. IV.	...	15	15	15	
						3rd do. ...	V. F. C. ...	...	12	12	12	
	Managed States, Polo State (7).											
40	Ghodadar ...	...	60	5	Gulabram Rajaram.	Head Master ...	1st year 1888...	16	20	25	9	
						Assistant ...	Standard IV .	...	11	11	11	
	Varsoda Taluka (8).											
41	Varsoda Boys' School.	17	94	6	Himatram Mulji ...	Head Master ...	1st year 1892...	15	15	25	19	
						1st Assistant ...	V. N. G. ...	7	7	9	2	
						2nd do. ...	St. VI ...	5	5	9	4	
42	Varsoda Girls' School.	...	45	4	Foolba Mangolji ...	Head Mistress ...	St. V ...	...	11	13	2	
43	Badpura ...	8	30	4	Narayad Ranidat...	Head Master ...	P. S. C. ...	9	11	13	4	
	Khadel Taluka (9)											
44	Khadol Boys' ...	20	70	6	Keshavlal Bapudas.	Head Master ...	2nd year 1898 .	12	20	25	13	
						1st Assistant ...	V. F. C. ...	5	7	10	5	
						2nd do. ...	VI ...	2	7	9	7	
45	Khadol Girls ...	...	35	4	Ichha Maganlal ...	Head Mistress ...	V ...	10	11	15	5	
						Assistant ...	V ...	...	7	9	7	
	Ghodasar Taluka (10).											
46	Ghodasar ...	23	127	6	Dayaram Govindram.	Head Master ...	2nd year 1899 .	15	20	30	15	
						1st Assistaht ...	P. S. C. ...	7	7	9	2	
						2nd do. ...	Do. ...	5	7	9	4	
47	Haldarvas Boys ...	29	120	7	Dharamchand Harjivan.	Head Master	1st year 1887...	17	20	25	8	
						1st Assistant ...	V. F. C. ...	7	12	13	6	
						2nd do. ...	VII ...	5	7	9	4	
						3rd do. ...	VII ...	...	7	9	9	
48	Do. Girls ...	3	40	3	Chanahal Harilal...	Head Mistress ...	IV ...	...	11	13	2	
	Rupal Taluka (11).											
49	Rupal ...	12	98	6	Mahidhar Narsiram.	Head Master ...	1st year 1917 Rule IV.	14	20	20	6	
						Assistant ...	V. F. C. ...	6	7	12	7	
	Magodi Taluka (12).											
50	Magodi ...	6	20	3	Maganlal Motiram.	Head Master ...	V. F. C. ...	5	11	15	10	
	Vadagam Taluka (13).											
51	Vadagam ...	11	60	6	Vanmali Nathji ...	Head Master ...	1st year 1911 .	10	20	20	10	Trained by Mahi Kantha Scholarship.
						Assistant ...	VI ...	3	7	9	6	
	Dabha Taluka (14).											
53	Bhudasan ...	...	25	4	Gavrishankar Rewashankar.	Head Master	V. F. C. ...	...	11	13	2	
	JURISDICTIONAL CHIEFS.											
	Malpur Taluka (15).											
53	Malpur ...	17	145	7	Manishanker Mulji.	Head Master ...	2nd year 1898 .	13	20	30	17	
						1st Assistant ...	V. F. C. ...	6	9	10	4	
						2nd do. ...	St. VII ...	...	7	9	9	
						3rd do. ...	Do. ...	...	5	9	9	
54	Sateda ...	8	35	5	Manscokhram Nanalal,	Head Master ...	1st year 1915 .	7	12	15	8	Trained by Mahi Kantha Scholarship.
55	Ubhram ...	7	27	4	Choonilal Ranchhod.	Do. ...	St. VII ...	7	11	13	6	
56	Anior ...	7	25	4	Ramshankar Manchharam.	Do. ...	St. VI ...	...	8	13	5	

No.	Name of School.	Grade of school in 1910.	Number of boys or girls on roll.	Standards taught.	Name of Head Master.	Designation.	Qualification.	Pay in 1910.	Pay in 1918.	Pay after revision October 1918.	Total increase.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12	13
	JURISDICTIONAL CHIEFS—*contd.*							Rs.	Rs.	Rs.	Rs.	
	Mansa Taluka (16).											
57	Mansa Boys' ...	83	400	7	Keshavlal Dharamchand.	Head Master ...	2nd year 1892 .	20	25	32	12	
						1st Assistant ...	P. S. C. ...	15	15	15	...	
						2nd do. ...	St. VI ...	6	8	8	2	
						3rd do. ...	V. F. C. ...	6	7	7	1	
						4th do. ...	St. V ...	5	6	6	1	
						5th do. ...	Do. ...	4	4	4	...	
						6th do. ...	Do. ...	3	4	4	1	
						7th do. ...	Do. ...	2	3	3	1	
58	Mansa Girls ...	17	112	6	Gangabai Banushanker.	Head Mistress ...	1st year 1896 .	17	18	18	1	
						1st Assistant ...	St. VI ...	7	7	7	...	
						2nd Assistant ...	St. IV ...	2	2	2	...	
						Seamstress ...	.....	3	3	2	...	
59	Mansa Girls A. V. ..	20	48	4	Kevaldas Jathabhai.	Head Master ...	Mastric ...	20	20	20	...	
						Assistant ...	P. S. C. ...	10	10	10	...	
60	Itadra ...	11	80	6	Maganlal Amiram .	Head Master ...	St. VI ...	...	...	11	11	
						Assistant ...	St. V ...	2	5	5	3	
61	Parbatpura ...	10	31	4	Vithal Lalloo ...	Head Master ...	St. VI ...	...	10	10	10	
						Assistant ...	St. III ...	3	3	3	...	
62	Dholakuwa ...	10	35	4	Motising Sardarsing.	Head Master ...	St. VI ...	5	5	10	5	
	Mohanpur Taluka (17).											
63	Mohanpur ...	20	53	6	Dalsukhram Shivram..	Head Master ...	1st year 1892...	14	20	20	6	
						1st Assistant ...	St. VI ...	5	7	9	4	
						2nd do. ...	Do. ...	...	7	9	9	
64	Sardoi B ys ...	15	105	6	Dalsukhram Pranshanker.	Head Master ...	P. S. C.	13	15	20	7	
						1st Assistant ...	St. VI ...	5	8	9	4	
						2nd do. ...	Do. ...	...	7	9	9	
65	Sardoi Girls ...	...	45	4	Sarda Dalocchand .	Head Mistress ...	St. V ...	...	11	13	2	
66	Bakrol ...	12	45	6	Dabyashkar Liladhar.	Head Master ...	V. F. C. ...	11	11	13	2	
						Assistant ...	St V ...	3	7	9	6	
67	Adpodra ...	12	52	4	Keshavlal Damodar.	Head Master ...	St. VI ...	...	11	13	2	
	Pethapur Taluka (18).											
68	Pethapur Boys ...	25	155	6	Lakhorbai Sadabhai.	Head Master ...	1st year 1868...	16	20	30	14	
						1st Assistant ...	V. F. C. ...	8	12	12	4	
						2nd do. ...	St. VI ...	4	10	10	6	
						3rd do. ...	Do. ...	3	7	9	6	
						4th do. ...	Do. ...	2	7	9	7	
						5th do. ...	St. V ...	...	7	9	9	
69	Do. Girls ...	12	70	5	Divali Samaldas ...	Head Mistress ...	3rd year 1912 .	12	17	23	11	Trained by Mahi Kantha Scholarship for 3 years.
						Assistant ...	St. IV ...	5	7	7	2	
	Banasan Taluka (19).											
70	Banasen ...	13	60	5	Hargovind Shivram.	Head Master ...	P. S. C. ...	12	15	15	3	
						Assistant ...	St. VI ...	5	7	10	5	
	Punadra Taluka (20).											
71	Punadra ...	14	25	5	Bhikhalal Kadar...	Head Master ...	V. F. C. ...	...	11	14	3	
						Assistant ...	St. V. ...	5	7	9	4	
72	Kevadia ...	...	16	3	Punjalal Mogha ...	Head Master ...	St. VI ...	...	...	11	...	
73	Telnal ...	...	32	4	Chhotalal Bhaichand.	Do. ...	P. S. C. ...	11	11	15	4	
	Katosan Taluka (21).											
74	Jhotana ...	20	155	7	Keshavlal Becherdas.	Head Master ...	3rd year 1905 .	20	25	35	15	Trained by Mahi Kantha Scholarship.
						1st Assistant ...	St. VII ...	7	8	9	2	
						2nd do. ...	St. V ...	5	5	9	4	
	Ilol Taluka (22).											
75	Ilol Boys ...	20	110	7	Dalsukhram Punjiram.	Head Master ...	2nd year 1887 .	20	27	35	15	
						1st Assistant ...	V. F. C. ...	7	8	10	3	
						2nd do. ...	Do. ...	5	7	9	4	
76	Ilol Girls ...	10	40	5	Rama Manchha ...	Head Mistress ...	3rd year 1896 .	...	17	23	6	Trained by Mahi Kantha Scholarship.
						Assistant ...	St. VI. ...	4	6	6	2	
	Amliara Taluka (23).											
77	Amliara Boys ...	20	60	6	Jethalal Purshotam.	Head Master ...	1st year 1890 .	14	20	25	11	
						1st Assistant ...	St. V ...	8	10	10	2	
						2nd do. ...	Do. ...	2	5	9	7	
78	Amliara Girls ...	...	30	4	Ruxamani Gangaram.	Head Mistress ...	St. V. ...	...	11	12	1	On deputation to Female Training College by Mahi Kantha Scholarship.
79	Limb ...	12	25	3	Gulab Piru ...	Head Master ...	Do. ...	...	7	12	5	
80	Tompur ...	10	30	4	Mohanlal Harchand.	Do. ...	P. S. C. ...	8	11	13	5	

No.	Name of School.	Grade of School in 1910.	Number of boys or girls on roll.	Standards taught.	Name of Head Master.	Designation.	Qualification.	Pay in 1910.	Pay in 1918.	Pay after revision October 1918.	Total increase.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	13	14
	JURISDICTIONAL CHIEFS—*contd.*							Rs.	Rs.	Rs.	Rs.	
	Valasna Taluka (21).											
81	Valasna ...	11	15	3	Jivabhai Gadbhai .	Head Master ...	P. S. C. ...	...	11	11	...	
82	Finchod ...	10	20	4	Mulsing Umedsing.	Do. ...	St. VI ...	...	11	11	...	
	Vasna Taluna (25).											
83	Vasna ...	16	104	6	Gordhan Bapuji ...	Head Master ...	1st year 1907...	11	14	14		
						1st Assistant ...	Rule IV ...					
						2nd do. ...	St. V ...	7	7	9	2	
							Do. ...	4	5	7	3	
	Khedawada Taluka (26).											
84	Khedawada ...	...	25	4	Maganlal Kishor ...	Head Master ...	1st year 1917...	6	12	15	9	Trained by Mahi Kantha Scholarship.
	Sudasna Taluka (27).											
85	Sudasna Boys ...	12	75	6	Budhisagar Malukchand.	Head Master ..	2nd year 1919.	...	13	20	7	Do.
						1st Assistant ...	V. F. C. ...	...	9	11	11	
						2nd do. ...	St. V ...	...	5	9	9	
86	Sudasna Girls ...	...	35	3	Mani Ambalal ...	Head Master ...	Do. ...	...	...	13	13	
	Dadhalia Taluka (28).											
87	Dadhalia ...	11	50	4	Umiahankar Samal.	Head Master ...	St. VI ...	...	11	12	1	
						Assistant ...	St, IV ...	4	6	9	5	
	Sathamba Taluka (29).											
88	Sathamba ...	13	100	6	Madhavlal Gulabram.	Head Master ...	2nd year 1913.	10	15	22	*12	* Trained by Mahi Kantha Scholarship for 2 years. † On deputation to Training College.
						1st Assistant ...	V. F. C. ...	7	9	9	†2	
89	Hathipura ...	...	47	4	Maganlal Khusal ...	Head Master ...	Do. ...	...	11	13	2	
	Ramas Taluka (30).											
90	Ramas ...	...	30	4	Chunilal Pranshanker.	Head Master ...	St. VI ...	...	11	13	...	

Expenditure incurred on account of revision of 1918 Rs. 7,600.

(Signed) M. P. KOREISHI,
Deputy Educational Inspector, Mahi Kantha.

Sadra, March 1920.

APPENDIX I.

Statement referred to in the reply to question No. 1 put by the Honourable Shaikh Ghulam Hussein Hidayatallah at the meeting of the Legislative Council held on the 10th December 1919.

Extract paragraph of Government Resolution no. 1762 dated the 12th July 1918.	Action Taken.
6	The proposals of the Director of Public Instuction for opening three additional Training Classes for Mullas in Sind, which have since been received, have been sanctioned, the net extra cost involved being Rs. 5,027 recurring and Rs. 5,100 non-recurring.
7	The Director of Public Instruction has since recommended that an additional amount of Rs. 26,148 should be sanctioned for providing qualified assistants in Mulla schools. This recommendation has been provisionally approved on the understanding that the revised rate of Rs. 16 per mensem (which includes war allowance) proposed for grants for the assistants will be treated as a temporary addition to the normal rate of Rs. 10 per mensem. The necessary provision has been made in the current year's budget.
9	(*a*) On the recommendation of the Director of Public Instruction a non-recurring grant of Rs. 5,000 was sanctioned in the past financial year for the equipment of Mulla Schools in Upper Sind. The proposal of the Director that an amount of Rs. 10,000 recurring (Rs. 6,000 for improving accommodation Rs. 4,000 for equipment) for Mulla Schools should be provided has also been provisionally approved and the requisite provision entered in the current year's budget. (*b*) As proposed by the Director of Public Instruction a provision of Rs. 1,000 recurring has been made in this year's budget on account of the grant of lungis and other rewards to Mullas for good work. (*c*) The report regarding modifications in the Departmental Readers has been received from the Director of Public Instruction and is under the consideration of Government*. (*d*) An amount of Rs. 4,000 recurring has been provided in the current year for the purpose of circulating libraries, as recommended by the Director of Public Instruction. (*e*) A provision of Rs. 5,000 recurring as proposed by the Director has been made in this year's budget to meet the expenditure in connection with the distribution of books and writing materials. (*f*) In accordance with the recommendation of the Director of Public Instruction an amount of Rs. 3,000 recurring has been provided in the budget for prizes for good attendance and progress.
11	It has since been reported that there are about 70 Mullas in Local Board Schools on allowances varying from Rs. 3 to Rs. 6 per mensem. Oders increasing the maximum allowance of Rs. 6 per mensem to Rs. 10 per mensem are also being issued.
13	It is reported that there are 66 Mahomedans to 116 Hindus at the Training College for Men, Hyderabad. In the Shikarpur Training School, the numbers are equal, in that at Naushahro they are almost equal and in the Karachi Training School the numbers are 33 Hindus to 15 Mahomedans.
14	The recommendation regarding the grant of a higher maximum pay than Rs. 10 per mensem to Mullas employed as masters in Local Board schools has been fully carried out as the minium pay of a Local Board teacher is now fixed at Rs. 12 per mensem.
15	Since the orders in this paragraph were issued, Government have re-examined the question of free-studentships in primary schools and have promulgated the rulings contained in Press Note No. 291, dated

* Papers R. I. No. 795, being dealt with.

Extract paragraph of Government Resolution no. 1762 dated the 12th July 1918.	Action Taken.
	the 24th January 1919. The Director of Public Instruction has also reported that the sanctioned percentage of free-studentships is generally considerably increased by the Taluka Local Boards, that the local conditions, *viz.*, poverty and backwardness in education of any particular place, are given full consideration and that no Mahomedan pupil has to go without education on the score of inability to pay fees. In the circumstances, no further action has been taken on the recommendation regarding the exemption of Mahomedan pupils from the payment of fees.
16	The Director of Public Instruction has since submitted proposals, involving an additional expenditure of Rs. 11,460 for increasing the number of three-rupees scholarships and instituting two-rupees scholarships for Mahomedans in primary schools in Sind. The proposals have been provisionally approved and the necessary amount provided in the current year's budget. The number of scholarships for each district has been fixed in accordance with the requirements of the Mahomedans as reported by the Deputy Inspector of the district concerned.
18	As regards the encouragement of the study of Persian by the award of allowances to masters the Director of Public Instruction, has since proposed (i) that ten schools in each district may be selected and arrangements made for the teaching of Persian out of school hours by at least a second year trained hand giving him Rs. 3 per mensem as duty allowance, provided there are not less than five pupils to learn language, (ii) that the cost of these allowances may be met from the Educational Local Funds of the districts concerned and (iii) that the boys may be exempted from the payment of the extra fee of two annas per pupil with a view to popularizing the study of Persian. These proposals have been approved by Government. With reference to the recognition of Persian as an alternative to Native Accounts in the Vernacular Final Examination it is reported that the study of the latter subject is an absolute necessity for a Sindi Musalman who has generally to deal with a village bania. It has accordingly been recommended that (i) Persian may be allowed as an optional subject at the examination but that failure in it should not affect the passing of a candidate and (ii) that when a boy passes in the subject the fact may be shown in his Vernacular Final Certificate. These recommendations have also been approved by Government.
19	The further report called for from the Director of Public Instruction has been received and is being considered by Government.
24	The final orders of the Government of India on the subject of the establishment of a provident fund for teachers in non-pensionable service have since been received and detailed proposals for the establisment of such a fund in the Bombay Presidency on the lines indicated by that Government have been called for from the Director of Public Instruction.
25	The proposals awaited from the Director of Public Instruction have been received and it has been directed that the percentage of free-studentships allotted to Mahomedans in Government Secondary schools in Sind should be raised to 10. It is reported that free grants of books have been made in the Naushahro Madressah and have been proposed for the one at Pithoro. The Director of Public Instruction has since reported that there is already a separate kitchen and dining room for Mahomedan boarders at the Shikarpur High School. Steps are being taken for the provision of this facility at the Hyderabad High School hostel also.
31	It has since been reported that the Board of the Dayaram Jethmal Sind College are unwilling to provide for the proposed Mahomedan hostel and mosque from the general funds of the College. A Mahomedan gentleman of Sind has, however, offered to meet the cost in this

Extract paragraph of Government Resolution no. 1762 dated the 12th July 1918.	Action Taken.
	connection and Government are awaiting a further report from the Commissioner in Sind regarding the offer and the decision of the College Board thereon.
32	Rules for the grant of special scholarships to Mahomedans in the Colleges of Medicine, Engineering and Commerce have since been published (*vide* Government Notification No. 5602, dated the 8th December 1919). Orders sanctioning the necessary expenditure in this connection have also issued. As regards Forestry, no special scholarships have been awarded as candidates nominated for training in the Provincial and Rangers' courses are already granted stipends. It has, however, been directed that 25 per cent. of Ranger studentships should be reserved for Mahomedan candidates, provided their education and other qulifications allow so much preference to be given and that special consideration should be shown to those prepared to serve in Sind.
34	The Dayaram Jethmal Sind College Board have since decided to establish five free-studentships for poor and deserving students of the educationally backward classes, including Mahomedans.
35	The College Board have resolved to take all Mahomedan students seeking admission during the first two days of each term.
36	The College Board have decided that the question whether a Mahomedan should be appointed as Professor of Persian should be considered whenever there is a vacancy to be filled up.
38	The general question of the reorganisation and improvement of technical education is at present engaging the attention of Government.
39	The final orders of the Government of India on the subject of female education have since been received and the Director of Public Instruction has been asked to submit a full report in the matter.

APPENDIX J.

Statement of Vital Statistics of Poona City for three pre-drainage years (1912, 13 and 14) and for three years (1916, 17 and 19) when drainage system was in operation.

Population 117,256.

Year.	Births.	Birth rate.	Number of deaths by Causes.										Ratios per 1,000 of population.									
			Cholera.	Small-pox.	Plague.	Fever.	Dysentery and Diarrhœa.	Respiratory diseases.	Injuries.	Other causes.	Total. All causes.	Total. All causes excluding Plague.	Cholera.	Small-pox.	Plague.	Fever.	Dysentery and Diarrhœa.	Respiratory diseases.	Injuries.	Other causes.	Total. All causes.	Total. All causes excluding Plague.
3 pre-drainage years.																						
1912 ...	1,810	15·43	899	51	474	2,181	1,738	652	28	714	6,237	5,763	3·40	·43	4·04	18·60	14·82	5·56	·24	6·09	53·19	49·15
1913 ...	1,604	13·68	9	552	1,745	1,530	1,228	402	26	551	6,103	4,418	·08	4·71	14·88	13·05	10·47	4·20	·22	4·65	52·56	37·68
1914 ...	1,219	10·33	311	40	400	1,228	1,218	742	24	885	4,848	4,448	2·65	·34	3·41	10·47	10·39	6·33	·20	7·55	41·34	37·93
Total ...	4,626	39·44	719	643	2,619	4,939	4,184	1,886	78	2,150	17,348	14,629	...	...	...	...	...	...	...	...	...	...
Average ...	1,542	13·15	239	214	873	1,646	1,395	629	26	727	5,749	4,876	2·04	1·83	7·44	14·04	11·89	5·36	·22	6·20	49 03	41·59
Drainage in operation.																						
1916 ...	876	6·94	80	241	8,636	524	712	1,867	38	1,461	8,035	4,899	·31	2·05	31·01	4·47	6·07	11·66	·32	16 63	68·52	37·51
1917 ...	1,365	11·64	29	114	925	1,108	577	1,857	34	1,378	6,067	5,142	·25	·97	7·90	9·87	4·92	15·84	·29	11·71	51·74	43·85
1919 ...	2,537	21·63	127	216	16	1,760	640	2,732	30	1,537	7,057	5,021	1·08	1·84	·13	15·01	5·53	23·29	·25	13·11	60·27	60·14
Total ...	4,778	40·24	192	571	4,577	3,442	1,933	5,956	102	4,391	21,159	16,592	...	...	...	...	...	...	...	...	...	...
Average ...	1,593	13·41	64	190	1,526	1,147	645	1,985	34	1,464	7,056	5,531	·55	1·62	13·01	9·78	5·50	16·94	·29	12·48	60·18	47·17

Note.—The above Table is computed from the figures collected and submitted by Municipal Agency. Drainage is stated to have been working in part during 1915. 1918 also is excluded as Influenza mortality obscures all deductions. The high death-rate in 1919 is attributable to Influenza.

Statement of Vital Statistics of Poona City during the years 1915 and 1918.

1915 ...	1,224	10·44	9	51	255	1,199	660	742	19	945	3,880	3,625	·08	·43	2·17	10·23	5·63	6·33	·16	8 05	33·00	30·91
1918 ...	1,664	14·19	56	194	932	1,972	449	5,102	21	1,139	9,865	8,933	·48	1·65	7·95	16·82	3·83	43·51	·18	9·71	84·13	76·18

APPENDIX K.

Thana Lime Stone Farm.

Taluka Salsette.

1 Wesawe, 2 Ambivli, 3 Daravli, Yerangal, 4 Akshe-Marwe-Malavni, 5 Manori, 6 Gorai-Utan.

Taluka Mahim.

7 Pamtembhi-Kelwa, Usarni, Shirgaon Mathane, Khare-Kuran.

Peta Umbergaon.

8 Kalgaon.

Memorandum of conditions of the sale of the right to remove lime stone from Government lands in the marginally noted villages of the Thana District for the period from 1st September 1905 to 31st July 1908.

1. The successful tenderer shall, before 1st July 1905, execute at his own cost on a duly stamped paper an agreement, and present a security bond for the due performance of his contract according to these conditions, before the Mamlatdar of the Taluka concerned.

2. The Contractor shall, on or before 1st July 1905, pay into the Huzur Treasury at Thana $\frac{1}{12}$th of the contract price as deposit to be returned to the contractor after the expiry of the period of the contract, if the contract has been duly fulfilled but to be at the disposal of the Collector in case of a breach of the contract.

3. The contractor shall on 1st September 1905 take over from the Mamlatdar all stock and plant (kilns, lime stone, chunam, charcoal, houses, sheds, pipes, etc.), the property of Government on the waste lands covered by his contract, and pay to the Mamlatdar therefor the price fixed at fair valuation by the Executive Engineer, Thana.

4. $\frac{1}{12}$th of the contract price shall be paid by the contractor on each of the following dates :—

1st December	1st April
1st February	1st July.

5. In default of payment of an instalment on its due date, 10 days' notice from such date will be given and if the overdue instalment is not paid the contractor shall be liable at the Collector's discretion to a penalty not exceeding one-fourth amount overdue to be recovered as an arrear of land revenue. The cost of issuing notices shall be leviable in the shape of a fixed fee of 4 annas for each notice if the amount of arrears does not exceed rupees 5 and of 8 annas in any other case.

6. If any instalment becomes overdue by more than one month Collector may evict the contractor and all his representatives or servants and retain possession till the instalment is paid, and if an instalment becomes overdue by more than three months Collector may resume the farm and dispose of it as he pleases, the contractor nevertheless remaining liable for the whole unpaid balance of the three years' contract money.

7. The contractor shall be at liberty to excavate lime stones till the period of his contract expires but all rights to stones or other natural products remaining on or in the lands after the expiry of the period of the contract shall vest solely in Government.

8. The contractor is to take out stones only from the lands leased to him. He is not to take them out from the adjoining Government or Malki lands without the Collector's or Mamlatdar's written permission.

9. The contractor shall present to the Mamlatdar with every application he makes for permission to quarry in any occupied survey number a plan of the whole survey Number with the plot to be quarried marked on it. If the plot required does not consist of a whole survey, pot or falni number it shall ordinarily be rectangular in shape and its length and breadth shall be noted on the plan. For the purpose of levying fees a fraction of a guntha shall be considered as a whole guntha. The contractor shall demarcate the plot applied for by boundary stones of four sides.

10. The contractor shall prevent the formation of natural salts in the holes from which lime stone is removed and in default shall be liable at the Collector's discretion to suspension or cancellation of his contract.

11. The contractor shall, at the option of the Collector within 15 days of notice issued by the Collector in this behalf, after the expiry of the term of the contract either remove all his property from the waste land covered by his contract or sell it to the Collector at his (the Collector's) valuation, as the Collector may direct. In default of such removal or sale within the 15 days' period the said property shall vest absolutely in Government.

APPENDIX L.

Form of contract for lime stone farms in the Thana District.

1. The contractor is given the sole right of removing lime stones from certain Government lands free of charge. He may also after previously obtaining the Collector's permission in writing exercise the same right in respect of other Government lands and all occupied lands within the villages mentioned, but in the case of occupied lands he will have to pay the fees prescribed in the margin and will also have to make his own terms with the owners of the lands. No permission will be given to any one else but the contractor, but it is to be understood that the occupant has under Land Revenue Code rule 50 the right to remove lime stone for his own private use and not for sale.

Number of Farm	Fee per guntha.
1	20
2	15
3	15
4	25
4	25
6, 7, 8, 9	10

2. This contract will begin from the 1st of September 1911 and shall last upto the 31st July 1912. The amount of the contract money is Rs. per year.

3. The contractor having deposited in the Huzur Treasury $\frac{1}{12}$th of the price of this contract namely Rs. it is hereby agreed that this sum shall be returned to him at the expiry of the period of the contract if none of the conditions have been broken, but that it shall be liable to be forfeited by the Collector in the event of the non-fulfilment of any of the conditions, in addition to any other penalty which may be imposed under this agreement.

4. The contractor shall pay the amount of the contract money for each year in four equal instalments on the following dates, *viz.*, 1st December, 1st February, 1st April and 1st July. If any instalment is not paid on the due date interest at 12 per cent. per annum will be charged on it. If any instalment becomes overdue by more than one month the Collector may evict the contractor and all his representatives or servants and retain possession till the instalment is paid and if an instalment becomes overdue by more than three months, the Collector may resume the farm and dispose of it as he pleases, the contractor, nevertheless, remaining liable for the whole unpaid balance of the contract money.

5. Any sum due from the contractor or his surety shall be recoverable as an arrear of Land Revenue.

6. The contractor shall on 1st September take over from the Mamlatdar all stock and plant (kilns, lime stone, chunam, fuel, houses, sheds, etc.), the property of Government within the area covered by this contract and shall pay to the Mamlatdar the price thereof to be fixed at a fair valuation by the Executive Engineer, Thana.

7. The contractor shall maintain and work during the fair season from November 1st to May 31st to the satisfaction of the Collector at least one kiln at all the places on Government land within the limits of the area covered by this contract where there are kilns and shall not close or cease to work it without the previous written permission of the Collector.

8. At any place within the limits of the area covered by the contract where there is in the opinion of the Collector, a reasonable demand for lime and sufficient workable lime stone the contractor shall be bound within a date to be fixed by the Collector to open a kiln for the manufacture and sale of lime and to manufacture it and to keep it for sale at a rate of speed and in quantities sufficient, in the opinion of the Collector to meet the local demand.

9. The Collector shall have power to fix the maximum price per Khandi at which the contractor may sell lime at any kiln within the limits of the area covered by this contract where in his opinion the price charged by the contractor is unreasonably high, but before doing so, he shall give the contractor an opportunity of being heard and shall ascertain and take into consideration the market price in Bombay and the cost of the conveyance thither. The contractor shall then be bound to sell at a price not exceeding the price so fixed.

10. The right to remove limes stone under the contract will extend over the bed of the sea and the land lying within the port limits of all the sea coast villages within the area of the farm. The contractor shall, however, cause no injury to the port and then prevent the formation of natural salt in the holes from which lime stone is removed.

11. In the event of his breaking any of the conditions of this contract the Collector shall have power to forfeit the deposit money and to cancel the contract and to give it out anew, and to recover from the contractor any loss caused thereby to local funds.

12. At the expiry of the period of the contract, the contractor shall at the option of the Collector, either remove within 15 days all his property from the Government lands covered by his contract or sell it to the Collector at his (the contractor's valuation). In default of such removal or sale within 15 days from the date of the expiry of the contract, the said property shall vest absolutely in Government.

APPENDIX M.

Question No. 4 (a), latter portion.			Question No. 4 (c).					
			(i)	(ii)	(iii)	(iv) If so, what is the area for which remission was granted and the amount so remitted.		
The names of Kalambandi villages.	Extent of land under cultivation in each of the villages.	Extent of irrigation in each of the villages.	Was water from Khari river regularly supplied to such lands during the last five years?	If not, will the Government be pleased to state why and in which years it was not so done?	Was any remission granted for the years in which water could not be supplied.	The year for which remission was granted.	The area for which remission was given.	The amount of remission given.
1	2	3	4	5	6	7	8	9
	A. g.	A. g.					Acres.	Rs.
Dhathal ...	684 30	418 32	All the water available from the Khari river was supplied to the Kalambandi villages except in flood or except the time when it was wasted at Chalindra when not required by the people.	It would not be done in the following years for the reasons stated against each entry:— In the year 1915-16 it being a famine year. In the year 1916-17 there being scarcity of rainfall. In the year 1918-19 being a scarcity year.	Yes ...	1915-16 ...	419	2,092
						1916-17 ...	419	1,926
						1918-19 ...	419	2,081
Bherai ...	687 28	438 34				1915-16 ...	479	2,133
						1916-17 ...	479	2,141
						1918-19 ...	479	2,354
Naika ...	3,881 37	1,224 10				1915-16 ...	1,234	5,598
						1916-17 ...	1,228	4,523
						1918-19 ...	1,224	5,405
Chalindra ...	1,251 9	882 25				1915-16 ...	882	2,510
						1916-17 ...	882	1,849
						1918-19 ...	882	2,679
Kathwada ...	1,256 11	468 20				1915-16 ...	471	2,574
						1916-17 ...	471	1,539
						1918-19 ...	468	2,902
Nawagam ...	1,227 3	665 30				1915-16 ...	672	5,157
						1916-17 ...	672	4,089
						1918-19 ...	666	5,713
Ringlaj ...	586 28	423 35				1915-16 ...	429	2,165
						1916-17 ...	429	1,254
						1918-19 ...	424	2,261
Kanara ...	946 20	503 39				1915-16 ...	547	2,604
						1916-17 ...	537	2,315
						1918-19 ...	504	836
Malárpura ...	635 0	317 28				1915-16 ...	317	1,260
						1916-17 ...	318	1,451
						1918-19 ...	318	1,165
Pansoli ...	551 30	367 9				1915-16 ...	370	2,095
						1916-17 ...	368	1,972
						1918-19 ...	367	2,049
Govindpura (Inam).	776 12	360 26				No remissions were given in Govindpura during the last five years as the Inamdar did not claim any.		

APPENDIX N.

Statement showing the cattle sold to Agents of Foreign Countries for export from Farms under the management of the Agricultural Department.

Year.	Name of the Agent to whom sold.	Country to which exported.	Cattle sold. No.	Cattle sold. Kind.	Value realised.	Remarks.
	From the Surat Farm Dairy in Gujarat Division.				Rs.	
1914 ...	Government of Trinidad.	Trinidad ...	1	Bull 4 years old	500	The Trinidad Government wanted the bull for museum of cattle.
1919 ...	Dr. Kuntz ...	Java Government.	15	Bulls ...	4,000	
1919 ...	Mr. Antonino Neves, Representative of the Brazilian Agricultural Society.	Brazil ...	20	7 Cows ...	3,150	The cows were sorted out for sale to the Nandod State, but only one cow being purchased by that State the rest were sold to Mr. Neves. The highest offer from the public for the whole lot was only Rs. 450.
				4 Bulls ...		
				4 Heifers ...		
				5 Calves ...		
	From the Northcote Cattle Farm, Chharodi.					
	Mr. Antonino Neves .	Brazil ...	7	Cows ...	1,750	The animals sold were not of any true type of cattle. They were a mixture of Hansi, Malvi and Kankrej. The cows were irregular breeders and not fit to keep in the Farm. The young animals were badly stunted and of bad type.
			26	Young Male Stock	4,550	
			6	Young Female Stock	900	
	Imperial Agriculturist, Pusa.	Jamaica ...	6	Young Bulls ...	1,500	
	From the Agricultural College Dairy.					
	Mr. Antonino Neves .	Brazil ...	2	Heifers ...	1,125	These animals were all Sindhis except the bull calf which was of Gir breed and were such as would in the ordinary course have been sold.
			3	Bulls ...		
			1	Calf ...		

APPENDIX O.

No. J.—1015 of 1912.

Ahmednagar, 15th May 1912.

Circular.

The District Magistrate hereby withdraws Magisterial Circular No. 4 of 1911.

2. Every Police Patel has power under section 14 of the Village Police Act to try cases of petty assault and abuse committed in his village, if complaint is made to him within 8 days, and he has power to inflict the punishment of imprisonment in the village chawdi up to 24 hours.

3. Third Class Magistrates, therefore, are not to take cognizance of *all* complaints under sections 323 and 504, Indian Penal Code, that are presented to them. The vast majority of these complaints are entirely trivial and refer to precisely the class of cases that should be disposed of by the Police Patels.

4. Third Class Magistrates should entertain complaints under section 323 only when a medical certificate is produced or there are open and tangible signs of violence. They should entertain complaints under section 504 only when the parties belong to the respectable and middle classes.

5. They should dismiss all other complaints under these two sections as showing no sufficient grounds for proceeding, and refer the complaints to their respective Police Patels.

(Signed) A. F. MACONOCHIE,
District Magistrate.

APPENDIX P.

To

His Excellency the Honourable Sir George Ambrose Lloyd, G.C.I.E., D.S.O.,
Governor and President-in-Council, Bombay.

The humble memorial of Kadadi Kallo Balkrishna, Assistant Master, Sardars' High School, Belgaum.

Respectfully Sheweth—

That your memorialist is a graduate of the Bombay University and is serving as an Assistant Master in Sardars' High School, Belgaum, of the Southern Division of the Bombay Presidency having put in two months' service under Government.

2. That, as is admitted on all hands, the duties which an Assistant Master or an Assistant Deputy has to discharge are of a very responsible and arduous nature. An Assistant Master has to mould the character and develop the powers of his pupils, while an Assistant Deputy has to guide and control the vernacular masters in their very delicate duties and to enlighten and influence public opinion in the mofussil, so as to popularise and expand education where it is badly needed. This work is the more delicate and difficult in these days of many movements, when the impressionable minds of the young are exposed to serious dangers of being led astray. For this work, therefore, it is necessary to attract men of high character and intellectual attainments imbued with a keen sense of duty and responsibility.

Further, while the work of a School Master involves a severe mental strain calculated to shorten life, the Assistant Deputy has to lead a very hard life, as he has to tour for nine months of the year in all kinds of weather to the great detriment of his health, the neglect of his family and the sacrifice of the proper education of his children, being very often denied even the ordinary amenities of life.

3. That in view of these circumstances, the emoluments at present offered to an Assistant throughout his career are very meagre and quite inadequate to satisfy the barest wants of life. A graduate starts at present as an Assistant Master on Rs. 50—less than a living wage—and he takes on an average 18 years to reach the grade of Rs. 150. In the time scale under consideration of Government the start is fixed at Rs. 60 for Sind and Rs. 50 for the Presidency and the grade of Rs. 150 is to be attained in 13 years' time. But it may kindly be noted that owing to the abnormal increase in prices ranging from 100 to 200 per cent., the rise in the standard of living and the increase in the cost of bringing up and educating children, the proposed time scale will not give anything like just relief, nor make it possible for a subordinate to live decently, much less leave him a margin to fall back upon in case of dire necessity. It is, therefore, respectfully submitted that the initial pay may be fixed at Rs. 100.

4. That the chances of promotion of a subordinate to the post of Head Master or Deputy Educational Inspector are very limited. There are only 51 appointments of Head Masters and Deputy Educational Inspectors open to 585 Assistants. Considering that a subordinate rises to the post of a Head Master or of a Deputy Educational Inspector after about 20 years' service, he can serve at most for ten years only in the higher appointment before he retires. Thus in the course of 30 years, only 153 subordinates, *i. e.*, just 26 per cent. of them, can ever hope to become Head Masters or Deputy Educational Inspectors, while the rest must retire from the subordinate ranks. Considering the facts, it appears very necessary that the maximum pay of the subordinates should be sufficiently high to make them live in some comfort, respectability and to retire on a decent pension. Government have already thought of fixing the maximum at Rs. 150 with selection grades of Rs. 175 and Rs. 200. But for reasons given above your memorialist humbly suggests that the contemplated scale would be utterly inadequate and that it may be fixed at Rs. 100—10—250 with a selection grade of 275—25—300.

To compensate an Assistant Deputy Educational Inspector for the comparatively harder life, the Director of Public Instruction has proposed to give a start of one year to an Assistant Deputy over a teacher of the same standing in the scheme pending before Government. This provision does not strike one as at all adequate and the memorialist's submission is that instead a special allowance of Rs. 30 be attached to every such appointment. This would simplify administration and provide for cases in which an Assistant Deputy may have to revert to the teaching line on account of special and unavoidable circumstances. It is further submitted that in view of the comparatively small number of appointments of the Assistant Deputies the percentage of selection grades in that line may be fixed at 30 of the total cadre as against 15 per cent. proposed in the contemplated time scale, the lower percentage being retained for the teaching line.

5. That in the humble opinion of your memorialist, the direct recruitment for class II, proposed in the time scale before your Government, even if carried out on a small scale, would be at once undesirable and inexpedient. In the first place, in order that a Head Master or a Deputy Educational Inspector may discharge his duties with perfect efficiency it is very necessary that he should have previous training as an Assistant Master or an Assistant Deputy and a thorough acquaintance with the working of the line of which he is appointed as the head. In the second place, the direct recruitment of Head Masters will press very hard on Assistant Masters, for the majority of whom there is already hardly any chance for rise to Head Master's post. For, at present there are 18 posts of Head Masters open to 455 Assistant Masters, *i. e.*, in the course of 30 years, only 54 men—about 12 per cent. of the total number— could rise to be Head Masters. As a concrete illustration of the extremely limited scope for such promotion, it may be mentioned that in Sind an opportunity of appointment to the Head Master's post occurred only recently after a long interval of 18 years, and that too not in the ordinary course by the death or retirement of a permanent incumbent, but by the creation of a new High School. But with the direct recruitment the chances of promotion of Assistant Masters to Head Masters' posts will dwindle to about 5 per cent. or be practically *nil*.

On the contrary your memorialist would respectfully beg to suggest that the time has arrived when even those posts of Head Masters in class I which are now reserved and filled by direct recruitment may reasonably be thrown open to selected graduates in the subordinate service because more graduates are being now taken into the Educational Department and improved prospects will further attract to this line a greater number of men of superior calibre.

6. That the posts of Vice-Principals of Training Colleges for Men which have hitherto been included in the Subordinate Service may fitly be raised in status and included in class II. This will increase to a small extent the number of higher appointments open to subordinates. It is further prayed that the posts of the Assistants to the Director of Public Instruction may be thrown open to the members of service in all the four divisions of the Presidency.

7. That the status at present enjoyed by the members of the Subordinate Service is not one of which they can feel proud. At present at official public functions such as Durbars, etc., the graduate Assistants in the Educational Department are altogether ignored, though by virtue of their being graduates they are classified as third class Sirdars in the official list of precedence. The cause of education will indirectly gain if an Assistant in the Educational Department is raised in the estimation of the public and this can, to an extent, be ensured by assigning to him a higher rank in the order of precedence in consonance with his academic qualifications, the importance of his duties and the serious character of his responsibilities.

8. In conclusion, Your Excellency's humble memorialist respectfully prays that this memorial may receive favourable and early consideration at the hands of Your Government.

And for this act of kindness, your humble memorialist will, as in duty bound, ever pray.

KADADI KALLO BALKRISHNA,

Belgaum, 12th February 1920. Assistant Master, Sardars' High School, Belgaum.

[Respectfully submitted through the Head Master, Sardars' High School, Belgaum, the Educational Inspector of the Southern Division and the Director of Public Instruction.]

APPENDIX Q.

Famine.

Investigation of sites suitable for the production of fodder by pump irrigation in the Presidency proper.

GOVERNMENT OF BOMBAY.

REVENUE DEPARTMENT.

Order No. 720.

Bombay Castle, 1st March 1920.

ORDER OF GOVERNMENT.

At the meeting of the Legislative Council held in July 1919 the Honourable Mr. Purshotamdas Thakurdas asked for a list of places suitable for raising fodder crops by pump irrigation, with the approximate area which could be irrigated at each place. Government replied that enquiry would be made. A resolution which was moved by the same Honourable Member in the meeting of the Legislative Council held in September 1919 to the effect that Government should undertake a survey of suitable sites for the purpose stated above was, in view of the proposed enquiry, postponed. The Governor in Council is now pleased to direct that all officers of the Land Revenue, Irrigation and Agricultural Departments in the Presidency proper, while on tour, should be instructed to make notes of any sites they may find where there are

(*a*) perennial supply of water, preferably from a pool in the bed of a river,

(*b*) moderately low river banks, and

(*c*) 150 acres or more of fairly level culturable land close to the source of supply;

and to forward their reports on the sites so discovered to the Collector concerned at the end of the touring season. The Collector should forward a combined report for his district to the Director of Agriculture, who should submit his report to Government after the proposals have been examined by the Agricultural Engineer.

2. In the event of pumping being resorted to on an extensive scale in future famines, it has been suggested to Government that the Public Works Department might be in a position to order portable pumping sets, for use on their works, of a size suitable to the needs of the Agricultural Department and that such sets could be made available for issue on loan or hire in a famine year. The Director of Agriculture should be asked to favour Government with his opinion on this suggestion.

H. F. KNIGHT,
Under Secretary to Government.

To

The Commissioner, N. D.,
The Commissioner, C. D.,
The Commissioner, S. D.,
All Collectors and Executive Engineers in the Presidency proper,
All Superintending Engineers in the Presidency proper,
The Director of Agriculture,
The Settlement Commissioner and Director of Land Records,
The Mechanical Engineer to Government,
The Accountant General,
The Public Works Department,
The Political Department,
The Financial Department.

APPENDIX R.

Dairies.

Report of the Committee appointed to consider measures for the improvement of the milk supply in large cities in the Bombay Presidency.

GOVERNMENT OF BOMBAY.

REVENUE DEPARTMENT.

Resolution No. 3239.

Bombay Castle, 23rd March 1916.

Letter from the Director of Agriculture No. A.—11833 dated 23rd December 1915:—

"In accordance with the orders issued in Government Resolution No. 8263 dated 2nd August 1915, I have the honour to state that the Committee appointed to enquire into the milk supply of large towns met in Poona in the month of September and sat for two days. It then adjourned for a month to facilitate the collection of further information and met in the month of October, when it sat for three days, when it adjourned till November 22nd to admit of the drafting of the report.

"In addition to the members nominated by Government the following gentlemen attended the meetings and gave us the benefit of their valuable advice, *viz.*:—

Major W. G. Liston, Director, Bombay Bacteriological Laboratory.

Mr. G. H. Frost, Assistant Director, Military Dairy Farms, Southern Circle.

Evidence was heard, the most important witnesses being Major F. H. G. Hutchinson, Sanitary Commissioner to the Government of Bombay.

Mr. B. M. Desai ...
Rao Saheb M. L. Kulkarni ...
Mr. D. H. Tagare ... } of the Agricultural Department.
Mr. M. G. Athalye ...
Mr. K. V. Joshi ...

Notes submitted by members of the Committee and others interested in the subject were considered and recorded. The sittings of the Committee were advertised in the Press as open to the public, and a certain number of gentlemen attended and made suggestions from time to time.

"The report of the Committee is attached herewith."

RESOLUTION.—The thanks of Government are due to the Committee for the thorough manner in which they have discharged the task assigned to them and for their lucid and careful report.

2. Having regard to the existing financial stringency and to the necessity of subjecting the report to public criticism, Government do not propose to pass any general orders on the Committee's recommendations. They will be glad, however, if the Director of Agriculture can arrange for an experiment in the organization of the collection of milk from cultivators and its transport to urban areas on the lines indicated in paragraph 41 of the report. Possibly Poona would be a suitable site for the experiment.

(Signed) J. A. POPE,
Under Secretary to Government.

APPENDIX S.

A THREE YEARS' COURSE IN SLOYD FOR PRIMARY SCHOOLS.

(The course may be introduced from Standard IV or V.)

For first year.

Name of model.	Dimensions.
1 Envelope	6″×6″.
2 Wall pocket	Do.
3 Picture frame	Do.
4 Pin-wheel	Do.
5 Scissors case	Do.
6 Tray	4″×4″.
7 Book-mark	2″×4″.
8 Basket	6″×6″.
9 Pencil box	4″×9″.

For second year.

1 Luggage label	2″×3½″.
2 Stamp book	3″×4½″.
3 Book cover	6″×8″ (or suitable for a diary).
4 Pencil sharpener	3½″×3½″ (two inches circle).
5 Stamp book (as obtainable in the post office).	Accordingly.
6 Box (with lid attached)	9½″×5½″.
7 Thread winder	2″×2″.
8 Envelope	7″×10½″.
9 Comb holder	3½″×9″.
10 Picture frame (with central cut square)	5″×10″ (or suitable).
11 An oblong box (to hold note-paper and envelopes)	Suitable.
12 Measure	1″×6″.
13 Box (lid separate) for soap, etc.	4″×6″ (or suitable).

For third year.

1 Enovelope (oblong)	Suitable.
2 Postal card holder (or wall pocket)	6″×14½″ (or suitable).
3 Ink-stand holder	Suitable.
4 Hexagonal tray	6″×6″.
5 Calender (an easy type)	Suitable.
6 Picture frame (circular)	5″×5″ (or suitable).
7 Fan (capable of being opened and closed)	Suitable.
8 Sliding box	From a match box.
9 Building	Suitable.
10 Lamp shade	4½″×4½″ (or suitable).
11 Blotting pad—	
Back	5″×7½″.
Corners	2½″×5″.
12 Postal card case	From a postal card.
13 A big box (thick card board)	Suitable.

Supplementary models.

1 Picture frame (central cut diamond-shaped).
2 Different kinds of envelopes.
3 Round shaped box.
4 Spectacles case.
5 A note book.
6 A protractor.
7 Pen tray with divisions for ink.
8 Box for bottle.
9 Tulsi plant holder.
10 Double photograph frame.
11 Various kinds of boxes.
12 Reflection trough.

NOTE.—Consecutive models should have different colour in paper.

APPENDIX T.

List referred to in question no. 11 put by the Hon'ble Mr. R. P. Paranjpye.

(1) Apparatus to illustrate the expansion of solids, liquids and gases.
Thermometer.
Barometer.
Apparatus to illustrate some of the properties of matter.
Apparatus to illustrate the pressure of liquids and gases.
Models of various pumps.

(2) Various chemicals, salts, acids, alkalis.
Litmus paper.
Glass tubes, earthenware retorts, bulbs, etc.
Methylated spirit and spirit lamp.
Test-tubes.

(3) Apparatus to show reflection and refraction.
Prism.
Newton's Disc.

(4) Apparatus for producing frictional electricity.
A small chemical battery.
Model of a telegraph instrument.

(5) Model of a Phonograph.

(6) Terrestrial globe.
Orrery.

(7) Miscellaneous articles such as charts, pictures, Primary and Secondary colours, syphons, metal and earthen pots, funnels, stores, mirror, pieces of wire, rubber tubing, sets Mechanical Powers, sponges, bottles, flasks, syringe, rain-gauge, water-level, etc., etc.

APPENDIX U.

District Poona.

1. The Satara Road between Sowar's Gate and the point where it crosses the Satara district boundary (28 miles roughly) will be divided into 4 sections as under :—

	From	To
Section No. I	... Sowar's Gate	... Katraj.
Section No. II	... Katraj	... Khed Shiwapur.
Section No. III	... Khed Shiwapur	... Kamthadi.
Section No. IV	... Kamthadi	... Kikvi *i.e.*, up to the point where it crosses the Satara district boundary.

2. When His Excellency travels on this road each section will be in charge of either an Inspector, Sub-Inspector or Head Constable. These officers must have watches correctly set to Station time.

3. Horse or mule vehicles should not be interfered with but the driver should be warned that His Excellency's car is on the road proceeding towards.....and that they must be careful to keep to the left hand side of the road. His Excellency's car can be recognized (1) by the coronet instead of a number plate and (2) by the flag attached by day on the right hand side of the body of the car near the driver's seat or by the red lamp by night in the same position.

4. Section officers should be present at the point on their section which is nearest His Excellency's starting point.

5. Bullock carts should be stopped at these points at the time as shown in the attached schedules before His Excellency is expected to arrive there.

6. The working of this scheme can be seen from the specimen schedules "A" and "B" attached. The scheme does not include the portion from Kirkee Railway Station or Government House to the Sowar's Gate as police arrangements along this route are made under the personal supervision of the Cantonment and City Police Inspectors.

APPENDIX U—*continued.*

Scheme "A," i. e., at the time His Excellency travels from Poona to Mahableshwar leaving at 8 a. m.

Section.	Time of His Excellency's arrival.	Bullock carts to be stopped from.	Section officer will be stationed at.
1	8-15 a. m.	6-15 a. m.	Sowar's Gate.
2	8-25 a. m.	5-0 a. m.	Katraj.
3	8-40 a. m.	5-15 a. m.	Khed Shivapur.
4	8-50 a. m.	5-30 a. m.	Kamthadi.

Scheme "B," i. e., at the time His Excellency travels from Poona to Mahableshwar leaving at 4 p. m.

Section.	Time of His Excellency's arrival.	Bullock carts to be stopped from.	Section officer will be stationed at.
1	4-15 p. m.	2-15 p. m.	Sowar's Gate.
2	4-25 p. m.	1-0 p. m.	Katraj.
3	4-40 p. m.	1-15 p. m.	Khed Shivapur.
4	4-50 p. m.	1-30 p. m.	Kamthadi.

Scheme "A," when His Excellency travels from Mahableshwar to Poona leaving at 8 a. m.

Section.	Time of His Excellency's arrival.	Bullock carts to be stopped from.	Section officer will be stationed at.
1	10-32 a. m.	8-35 a. m.	Katraj.
2	10-20 a. m.	8-0 a. m.	Khed Shivapur.
3	10-5 a. m.	7-5 a. m.	Kamthadi.
4	9-50 a. m.	6-50 a. m.	Satara boundary.

Scheme "B," i. e., when His Excellency travels from Mahableshwar to Poona leaving at 4 p. m.

Section.	Time of Excellency's arrival.	Bullock carts to be stopped from.	Section officer will be stationed at.
1	6-32 p. m.	4-35 p. m.	Katraj.
2	6-20 p. m.	4-0 p. m.	Khed Shivapur.
3	6-5 p. m.	3-5 p. m.	Kamthadi.
4	5-50 p. m.	2-50 p. m.	Satara boundary

District Satara.

The road between the Poona District boundary and Mahableshwar will be divided as usual into four sections as under.

1. Its length in the limits of the S. I., Khandala.
   Do. S. I., Bhuinj.
   Do. S. I., Wai.
   Do. S. I., Mahableshwar.

Each section will be in charge of the local Sub-Inspector. These officers must carry watches correctly set to Post Office time.

2. Horse or mule vehicles should not be interfered with but the drivers should be warned that His Excellency's car is on the road proceeding towards . . . . . and that they must be careful to keep to the left hand side of the road. His Excellency's car can be recognized (1) by the coronet instead of a number plate and (2) by the flag attached by day on the right hand side of the body of the car near the driver's seat or by the red lamp by night in the same position.

3. Section officers should constantly patrol their sections after their men are posted. The S. I., Wai, however, will arrange to be at Wai when His Excellency the Governor arrives, as His Excellency generally stops there.

4. There are three distinct types of road between Shirwal and Mahableshwar *viz.*—

(1) Flat roads running through a country-side where carts can be unyoked off the side at a very short notice.

(2) Flat roads running through a rugged country where the number of "bays" off the road in which carts can be collected is few.

(3) Purely ghaut roads.

Under the first heading comes the stretch of road from Shirwal to Khandala and that from Vele to Wai. Under the second is the Panchgani-Mahableshwar stretch. Under the third is the stretch from Khandala to Vele and from Wai to Dandeghar.

5.-A.—Between Shirwal and Khandala and between Vele and Wai the police posted along the road shall unyoke all carts *off the road* two hours before His Excellency's expected arrival on their stretch of road.

B.—Between Dandeghar and Mahableshwar, the police posted along the road shall hurry any carts found on the road less than three hours before His Excellency's expected arrival to the nearest "bay" where they will be unyoked. No cart should be permitted to pass any "bay" after three hours before His Excellency's arrival.

C.—Under the third heading are the Khambatki and Wai Ghauts. All bullock carts travelling towards the Khambatki ghaut should be detained at Khandala and Vele four hours before His Excellency's expected arrival.

Carts proceeding up the Wai Ghaut should be detained at Wai five hours before His Excellency's arrival, and those proceeding down this ghaut at Dandeghar four hours before His Excellency's arrival.

It will be the duty of road police stationed on these ghauts to hurry the carts along to the end of the ghaut or to the nearest "bay".

It is clearly to be understood that no carts should be found on the road either yoked or unyoked at the time when His Excellency the Governor's car passes, and it is equally clearly to be understood that the sub-inspectors in charge of sections will be held personally responsible for any remissness or lack of smartness on the part of their men.

APPENDIX V.

From

GANESH GOVIND GARUD,
President of the Public Meeting, Dhulia;

To

THE CHIEF SECRETARY TO GOVERNMENT,
Bombay.

Sir,

I am desired to submit herewith a Memorial adopted by the Citizens of Dhulia in a Public Meeting held on the 13th of September 1906, to His Excellency the Governor of Bombay in Council. I beg to request you to be kind enough to place this Memorial before His Excellency for favourable consideration.

I beg to remain,

Sir,

Your most obedient servant,

GANESH GOVIND GARUD,
President of the Public Meeting.

Dhulia, 8th October 1906.

To—His Excellency the Right Honourable Charles Wallace Alexander Napier Cochrane-Baillie, Lord Lamington, G.C.M.G., G.C.I.E., B.A. (Oxon.), Governor and President in Council, Bombay.

The humble memorial of the citizens of Dhulia in Public meeting assembled

Most Respectfully Sheweth,

1. That your memorialists were much concerned to read, in the newspapers of the 6th August 1906, an announcement which set forth the details of the partition of the Khandesh District into two districts called East Khandesh and West Khandesh.

2. Your memorialists confess to a feeling of keen disappointment in not be consulted on a measure, vitally affecting their vested interests and effecting great economic changes by unfavourably influencing the value of immoveable property. They beg to submit that the reasons, for which this partition was proposed and the expenditure which it was expected to necessitate were never placed before the public and that this proceeding is grave departure from approved constitutional precedents.

3. Your memorialists beg to be permitted to state that they deem the partition of Khandesh into the two districts as unnecessary and they regard the reasons urged in favour of the partition as inadequate to warrant an initial expenditure of Rs. 3,14,829 and a recurring annual charge of Rs. 80,875 in which figures they recognize merely the beginning of a far larger outlay in the near future. This expenditure would have directly benefitted the people if it had been devoted to purposes of primary education and the like, the claims of which are far more weighty.

4. The Government of India in their despatch to the Secretary of State for India, observe, "The industrial and economic development of the country, the changes effected in the excise system, the introduction of the system of record of rights and other measures connected with the agricultural department, etc., are gradually adding to the Collector's work and responsibility. It is explained that the personal influence of the Collector is of particular importance in the Khandesh District, which includes an unusually large proportion of aboriginal tribes". But your memorialists beg to point out that the industrial and economic development of the country has always formed an important part of a Collector's duty which every Collector in his time has successfully discharged, and there is to their knowledge no new project before the local authorities which is likely to increase the work of that Officer. It will be observed that the only change effected in the Excise System is the introduction of the Madras sale system in

place of the old Bombay system. This change does not involve any increase in the Collector's work as the auction sales in connection with this system are conducted by the Prant Officers and the Collector is aided by an Abkari Assistant Collector who looks after this work of the Abkari Department, and this system too is already well introduced. Your memorialists do not anticipate any increase in the Collector's work in connection with the introduction of the system of record of rights. It will be noticed that the work of record of rights is done in the first instance by village officers under the direct control of Circle Inspectors and Taluka Officers and that it is finally examined by Sub-Divisional Officers. In the supervision of this work of Sub-Divisional Officers apart from the help of a Dafterdar, the Collector is aided by a special Officer of a Mamlatdar's grade, provided by the agricultural department. In nearly all the talukas this work is now complete. It will appear that the work of the Collector in the agricultural department is materially lightened by the creation of special appointments of the Director of Agriculture and his subordinates. Your memorialists beg to submit that the settlement of aboriginal tribes is already satisfactorily accomplished by giving them free lands and tagai advances. A considerable population of these tribes was handed over to the Collectorate of Surat by the transfer of the Dang territory to that district. The services of Bhil Agents, who were formerly appointed to look after the settlement of these tribes, were discontinued as they were thought to be no more needed. The personal influence of the Collector is not now as important as it was in more troublous times when the settlement of these tribes was but partially accomplished and the personal attendance of the Collector at their Darbars and other ceremonials is no longer left to be necessary. These reasons therefore do not appear to your memorialists to justify the division of the old district into the two districts.

5. Your memorialists fail to realize why a district, which in pre-railway times was administered by one Collector, should now be regarded as so heavy a charge for that Officer as to necessiate the heavy outlay, which Your Excellency's Government propose to incur in connection with the partition when it is remembered that the survey settlement of the district, the settement of Inams and watans, the registers of Pragana watandars and such other important parts of revenue administration are already well systematized and there are no questions either of revenue or general administration calculated to engross the attention of the district officers as there are in certain other districts like Ratnagiri and Koloba; the district is already reduced by the transfer of the talukas of Malegaon, Kalvan, Baglan and Nandgaon and the Dang territory to the collectorates of Nasik and Surat respectively; the Dhulia-Chalisgaon, the Tapti Valley and the G. I. P. Railways pass through nearly all the talukas of the district; the remotest parts of the district are brought in close touch with headquarters by the extension of the telegraph system; and the efficiency of the subordinate service, which now includes a larger number of graduates and trained kulkarnis, is materially enhanced.

6. Your memorialists take exception to the fundamentum divisions adopted by Your Excellency's Government in distributing the talukas into the two districts. They beg leave to point out that the districts are unequally divided in point of revenue and population and that though West Khandesh is slightly superior to the other in point of area it has a very large proportion of reserved forests and one taluka is mostly taken up by the six Mowas Estates. It will be noticed that the proposed distribution whilst it includes in the West Khandesh District all the talukas notorious for their bad climate, a comparatively poor, ignorant and unadvanced population and a small revenue paying area, gives to the other district all the talukas with a good salubrious climate, a rich and progressive population, and a cultivated area which yields nearly twice the revenue.

7. Your memorialists beg to invite Your Excellency's attention to the fact that the present arrangement, by allotting to the Local Board of West Khandesh a larger area, imposes upon it a greater responsibility of providing funds for works of public utility but gives it very inadequate means to meet it by leaving this Board with a little more than half the income of the other Board.

8. Your memorialists beg to urge on the consideration of Your Excellency's Government the special claims of Dhulia, the Headquarter of the old district and consequently the seat of many public institutions, created by the united efforts of the whole district. The reduction of Dhulia under the present scheme to the position of the headquarter of a comparatively poor, unadvanced and unimportant district, would be disastrous to the prosperity of the town and entail a heavy loss to many vested interests both public and private. It will be remembered that the Municipality of Dhulia has undertaken a heavy responsibility by incurring a large expenditure for water-works and other improvements in anticipation of the growing prosperity of the town.

9. Your memorialists humbly pray that if Your Excellency's Government feel unable to recall their proposal and regard the partition as a settled fact the distributions of the talukas into the two districts may at least be reconsidered. They beg leave to suggest that in order to ensure a fairer division of the district it is necessary to add three other suitable talukas to the West Khandesh District. This arrangement, though increasing the area of this district would bring it nearer to the other district in point of revenue and population and at least minimise the injury done to the old district.

10. And for this act of kindness your memorialists will, as in duty bound, ever pray.

We beg to remain,

Your Excellency's most obedient servants,

(Sd.) GANESH GOVIND GARUD,

President of the Public Meeting, and others.

Dhulia,
13th September 1906.

APPENDIX W.

Ex.

SESSIONS CASE No. 75 OF 1919.

Imperator *versus* Jalaludin Saiyad Mahomad.

Judgment with its finding and order.

The accused in this case stands committed to the Court of Sessions by the District Magistrate of Ahmedabad to take his trial on a charge under section 409, Indian Penal Code, in that he being entrusted with public money in his capacity as a public servant and clerk in the office of the Talukdari Settlement Officer at Ahmedabad, he misappropriated dishonestly and converted to his own use between the dates 13th May 1918 and 11th October 1918, sums amounting in all to Rs. 4,700, and thereby committed the offence of criminal breach of trust with regard to the same.

The accused was a barnishi clerk in the Talukdari Settlement Office and worked in the accounts branch of that office under the direct supervision of one Popatlal Chunilal, who combined in himself the duties of account officer and Debt Settlement Officer. It was the duty of the accused to write out the Day Book and other account books and to draft all orders for payment or drawing of money. These latter were initialled in token of their correctness by either Popatlal or the Sheristedar, who also obtained the signature of the Talukdari Settlement Officer upon them. In the year 1915 a new system of accounts was introduced in the office by Mr. Gordon, the then Talukdari Settlement Officer, at the initiation of Popatlal and from that year onwards the entire account work of the office lay in the hands of Popatlal and the accused.

In September 1918 Popatlal having been appointed Sheristedar in addition to his other duties, went on tour with the Talukdari Settlement Officer. Early in October the accused took ill with influenza and absented himself from office. On the 17th October he was granted privilege leave and one Amratlal was appointed to act in his place. Sometime in November or December Amratlal discovered a mistake in the accounts with regard to an item of Rs. 1,575. It was a remittance sent to the Daskroi treasury on the 24th July 1918, which never reached the treasury at all. On Amratlal questioning the accused he is said to have resorted to various shifts and devices to show that it was a *bonâ fide* mistake on the part of the Daskroi treasury, but when concealment became no longer possible, the accused is said to have made good the amount in two items of Rs. 1,425 and Rs. 150 on the 16th and 18th January respectively and Amratlal paid the money into treasury by a chalan under his own signature. The suspicions of Amratlal had, meanwhile, been excited. He communicated them to Popatlal who, in his turn, reported the whole matter to Mr. Gordon, the Talukdari Settlement Officer. On the 21st January Mr. Gordon suspended the accused, took a bond of Rs. 1,000 from him and ordered an enquiry in the accounts of the last four years to be made by the Karkun Keshavlal under the supervision of the Head Clerk Harilal. On the 22nd January he returned to the districts on famine duty taking with him Popatlal and Amratlal. The examination of accounts by Harilal and Keshavlal disclosed many discrepancies and differences. They made lists of these for the years 1915-16, 1916-17 and 1917-18. They sent copies of these lists to the Talukdari Settlement Officer in the district. But as the current year's Day Book, *i.e.*, for the year 1918-19, was in the district with the Talukdari Settlement Officer the accounts of that year could not be examined.

The Talukdari Settlement Officer on a perusal of the lists suspected that peculation on a large scale had been going on in the office. He came to Ahmedabad suddenly on the 10th February. He sent Popatlal ahead to make arrangements about the kit. Popatlal arrived about 5 p.m. and went to the office accompanied by Harilal and Keshavlal. He questioned them about the progress of the enquiry. Keshavlal opened his desk and showed Popatlal the list of discrepancies which he had drawn up. The Day Books for the years 1915-16, 1916-17 and 1917-18 were lying in the desk along with the list. After showing the list to Popatlal Keshavlal put it back with the books in his desk

and locked it. Next morning when the Talukdari Settlement Officer came to the office Popatlal reported to him that Keshavlal's desk had been opened and the list and the books had disappeared.

The Talukdari Settlement Officer took immediate steps for the safe custody of the remaining books; the house of the accused was searched by the Police for the missing books but they were not found. The Talukdari Settlement Officer requisitioned the services of R. B. Bulakhidas, Personal Assistant to the Collector, for continuing the enquiry. The accounts of the year 1918-19 were examined. The list of differences for that year was made up, and as a result of that enquiry Popatlal was suspended on the 14th February and Amratlal on the 19th February. A complaint was lodged against Popatlal and the accused on the 26th February and on the 27th they were arrested.

The enquiry before the District Magistrate opened on the 31st March. During the progress of the enquiry the Ahmedabad riots took place. On the 11th April the Collector's office was burnt down by the mob and the entire record of the case along with the most of the documentary evidence was destroyed. The District Magistrate reheard the case, which had to be reconstructed from secondary evidence of the documents destroyed by fire, and on the 17th July 1919 discharged Popatlal and committed the accused to the Court of Sessions on a charge of criminal breach of trust.

The charge relates to 8 items with regard to which the accused is alleged to have committed criminal breach of trust during a period of five months—the 1st on 13th May 1918, the last on the 11th October 1918. The list is as follows:—

1st.—Rs. 250 drawn from the North Daskroi office on 13th May but not accounted for.

2nd.—Rs. 1,000 drawn from the same on 17th July, unaccounted for.

3rd.—Rs. 1,575 remitted to the same on 24th July but not received.

4th.—Rs. 200 drawn from the same on 17th August but not accounted for.

5th.—Rs. 350 drawn from the same on 12th September, short-credited by Rs. 50.

6th.—Rs. 500 drawn from the same on 26th September, not credited.

7th.—Rs. 225 drawn from the same on 3rd October, short-credited by Rs. 125.

8th.—Rs. 1,000 drawn from the same on 11th October but not credited.

The total of the sums misappropriated under these 8 items is Rs. 4,700, out of which Rs. 1,575 was subsequently refunded.

It must be stated at the outset that the prosecution in this case labours under extraordinary difficulties. The original account books and documents which alone can furnish a reliable guide in such cases have either been abstracted or destroyed. The case has had to be reconstructed out of rough and uncertified copies, admissible no doubt as secondary evidence, but entirely unsatisfactory as neither the Judge nor the assessors have an opportunity to examine, inspect and scrutinize the originals, nor the accused's counsel to base his cross-examination upon them. All the records were burnt before the cross-examination of the witnesses and the accused can justly complain that all evidence in favour of the defence in the originals is lost.

If the prosecution were unhappy in the fate of the materials collected by them, they were even more unhappy in the methods employed in collecting those materials. There was reason to suspect that systematic peculation on a large scale had been going on in the office for a series of years. It is estimated that approximately Rs. 17,000 was embezzled during those years. The Head of the Account Branch, Popatlal Chunilal, was eventually suspected of being a party to these peculations and put on his trial, though ultimately discharged by the Committing Magistrate. And yet we find that the preliminary investigation was entrusted to persons one of whom, Keshavlal, was Popatlal's underling and the other, Harilal, was in dread of the commanding influence of Popatlal with the Talukdari Settlement Officer. What more natural and plausible than that the defence should complain that Popatlal was all along pulling the strings during Keshavlal's enquiry suppressing the evidence so far as it went against him, going to the length of abstracting the account books from Keshavlal's desk, throwing dust into the eyes of the Talukdari Settlement Officer so as to make him believe that if there was any defalcation the accused, his subordinate, was responsible for it and was willing to make reimbursement and thus put the Talukdari Settlment Officer on an entirely wrong scent?

I have said that the prosecution are unhappy in the materials they have collected; they are even more unfortunate in the materials they were omitted to place before the Court. In the course of the trial I pointed out that both with regard to the withdrawals and remittances the *tumars* on the strength of which they were made would furnish the most convincing evidence as to how the monies were disposed of. They would have shown whether the creditors had actually been paid and, if not, how their claims were disposed of. With this in view I called upon the Public Prosecutor to produce as many of the *tumars* as were available, but with the exception of an wholly irrelevant one none were produced, the explanation being that one of them was with the Audit Officer deputed by the Accountant General, and as regards the others, it was stated that no *tumars* were forthcoming as they were withdrawals for office use.

Perhaps the most signal misfortune that has befallen the prosecution is the discharge by the learned District Magistrate of Popatlal in the preliminary enquiry. The District Magistrate has in his careful committal order given elaborate reasons for his view that there was not even a *primâ facie* case made out against Popatlal. I am not concerned to express an opinion on the question whether Popatlal has been rightly discharged; Popatlal has not had an opportunity to be heard in his defence in this Court. But his discharge by the Committing Magistrate has undoubtedly placed the prosecution in a very difficult position.

It has made it easy for the defence to contend that the prosecution case comes up discredited to the Court of Sessions as the Committing Magistrate himself has weighed the evidence in the balance and found it wanting so far as it implicated Popatlal and that in any case if there were systematic frauds perpetrated in the office for a number of years, Popatlal, the originator of the account system and the trusted head of his department, must have directed that system and the accused may well have been his innocent tool. And that is precisely the line of defence adopted by the accused in this Court.

The net result of the evidence produced by the prosecution, stated generally, is that all withdrawals of money from the treasury are regarded as defalcations if the amounts withdrawn are not credited in the Day Book and the accused is charged with responsibility for the same on the ground that he was the writer of the withdrawal orders, that he was also the writer of the accounts, that he received the daily balance sheet and that he did not get the accounts audited. I shall deal *seriatim* with each of these heads in their order.

It is true that the withdrawal orders were written by the accused but he had simply to draft them according to instructions given by Popatlal. These drafts were mere waste paper unless they were initialled by Popatlal or the Sheristedar and signed by the Talukdari Settlement Officer and the signature of the Talukdari Settlement Officer was never obtained by the accused, but either by Popatlal or by the Sheristedar. The practice of initialling was not uniform. Initials were not insisted upon if withdrawal orders were produced for the signature of the Talukdari Settlement Officer in person by the Account Officer or by the Sheristedar. Assuming, therefore, that the signature of the Talukdari Settlement Officer is genuine, it is clear that though it was the hand of the accused which drafted the withdrawal orders, the head that dictated them was that of Popatlal. But it was said that some of the withdrawal orders, namely those relating to items Nos. 2, 4, 6 and 8, were forged, and this suggestion is made on the statement of Mr. Gordon, the Talukdari Settlement Officer, that he considered that his signatures were shaky and probably not his, though he would not swear that they were not his. It was argued that with regard to these withdrawal orders the responsibility was entirely the accused's and of none other as they are in his handwriting. But if there was a forgery it is impossible to believe that the accused alone could carry it through. It was essential that he should take the other clerks into his confidence. The withdrawal orders were as a rule registered in the barnishi book. The first three columns of the "Manjuri" book contained entries of all the details of withdrawal orders and were filled in before they were despatched from the office to the treasury. With regard to the items Nos. 6 and 8 the three columns of the Manjuri book were written up by Amratlal. It is idle to suggest that there could have been a conspiracy between the accused, the barnishi clerk and Amratlal to carry out a forgery of this description for a long period without Popatlal being aware of it. That is the view of Mr. Gordon, who was Talukdari Settlement Officer for five years and is thoroughly conversant with the personnel of the office and bears testimony to the commanding influence exercised by Popatlal therein. If therefore forgery was resorted to, the accused could only have been employed as a tool. Whether he could have been an innocent tool will be discussed later.

But then it was said that as the withdrawal orders were written by the accused and the Day Book was also written by him, the fact that the items were not credited in the Day Book is a conclusive evidence that he embezzled them. It is, however, clear from the record that the Day Book did not embody all the transactions of the day. Thus there is an item of Rs. 415 admittedly paid to R. B. Ramanbhai which is not credited in the Day Book and yet there is no doubt that the amount was withdrawn and paid. It was a miscellaneous rojmel maintained according to the system introduced by Popatlal and under his directions. Monies would be disbursed by Popatlal in his capacity as Debt Settlement Officer and not brought to account. The Day Book was kept under the direction of Popatlal, who initialled every day's transactions and obtained the signature of the Talukdari Settlement Officer on it. The Talukdari Settlement Officer states that whenever he questioned Popatlal he seemed to be thoroughly conversant with the contents of the Day Book. In these circumstances it would be rash to presume that the mere non-credit of an item in the Day Book incriminates the accused as the person who embezzled the money. There may have been no embezzlement at all or if there was, the accused may have had nothing to do with it.

The mode in which the Day Book was kept was extremely lose and was not such as would necessarily implicate the accused. It was not written from day to day.

Sometimes memos. kept on Hathia books or slips of paper were incorporated in the Day Book some days later. Ledgers were apparently prepared from these Day Books, but not one of them has been produced.

As regards the Daily Sheets and the absence of audit, I am unable to see how they bear on the guilt of the accused : the daily sheets were no doubt received in the account office, but it was Popatlal who used to initial them till upto the date of the first defalcation. Mr. Gordon states that Popatlal had told him that it was he who compared the daily sheets with the Day Book. And Popatlal now says that the object of the Daily Sheets was not comparison but the preparation of the Manjuri books. As regards the absence of audit, there is no doubt that careful audit would have disclosed the defalcation, but it is nowhere stated that it was the business of the accused to produce these accounts before the audit officer. It was admittedly the duty of Popatlal and Popatlal was deputed twice and Amratlal once to assist the auditor but the accused was never so deputed.

I shall now turn to the individual items and examine the evidence to see how far it implicates the accused.

The first is an item of Rs. 250 which was misappropriated on 13th May 1918. On that day an order (of which exhibit 12 is a correct copy) was drafted by the accused for drawing Rs. 250 from the North Daskroi treasury for payment to R. B. Ramanbhai, being the surplus from the income of the Anioli estate of which he was the mortgagee. The order was initialled by the Sheristedar Mr. Lakhia and signed by R. B. Bulakhidas who was then acting as Talukdari Settlement Officer. The amount was actually issued by cheque from the North Daskroi office and paid by the Bank of Bombay to the peon Ganpat (exhibit 76) who states that he paid it to the accused in the presence of Popatlal. The amount was, however, not paid to R. B. Ramanbhai, whose clerk Balabhai Hirachand (exhibit 71) deposes that the accused told him between the 15th May and 20th May that the money had been received and he would obtain it and pay it. But it was not till the month of November that the money was paid to Balabhai on R. B. Ramanbhai's account by Amratlal, and that by a second withdrawal order (exhibit 14), the fact that it already had been drawn in May being totally overlooked.

The suggestion of the prosecution is that the money could not have been misappropriated except by the accused as the withdrawal order was in his hand, it is not brought to account in the Day Book which also is in his hand and Popatlal was absent from head-quarters on the day the money was drawn. But there is more than one link in the chain of evidence if the guilt is to be necessarily fastened on the accused. Why is the tumar not produced on the strength of which the first withdrawal order was drawn? On what authority did Amratlal draw the second withdrawal order and that in the absence of Popatlal? How was the tumar disposed of after payment of the money? Were there any receipts taken on the sthalprat? These are material documents which were available to the prosecution and which should have been produced in evidence. No attempt has been made to answer any of these questions. The prosecution merely rely on the fact of non-credit as establishing the guilt of the accused. But as I have above shown, no such conclusion necessarily follows. As for the evidence of Bhalabhai I attach very little value to it because it is difficult to believe his statement that though the accused had told him that the money had been received months before he did not care to demand it till after the accused went on leave. Bhalabhai is a caste fellow of Popatlal and in close touch with him. His evidence was given before the Committing Magistrate when Popatlal was under his trial and with a view to exonerate Popatlal and he has to adhere to that evidence in this Court, although Popatlal has since been discharged.

The second is an item of Rs. 1,000 drawn on the 17th July on the strength of a withdrawal order (exhibit 15) in the handwriting of the accused. The amount purports to have been drawn for sending to Sanand. The withdrawal order does not bear anybody's initials and Mr. Gordon states that his signature upon it was doubtful. The amount was paid by the Bank of Bombay to the peon Rustomkhan (exhibit 75) who deposes that he paid the money to Popatlal. It was never credited in the Day Book and has bodily disappeared.

The elements in the evidence made out against the accused are again the fact that the withdrawal order is in his hand, the fact of no credit being given in the Day Book and the probability that the signature of Mr. Gordon on the withdrawal order being in all likelihood a forgery, the forgery could have been committed by the accused alone. But in the preliminary discussion of the general aspects of the evidence I have given my reasons for holding that none of these elements singly or cumulatively establish the guilt of the accused.

The third item is an item of Rs. 1,575 remitted to the Daskroi treasury on the 24th July 1918, but was never received in the Daskori office. The item consists of two payments of Rs. 1,250 and Rs. 325 which are actually debited to the personal deposit account and to the Deputy Manager's account in the Talukdari Settlement Officer's Day Book, but the amounts simply disappeared thereafter. The defalcation of this amount was brought to the notice by a tumar regarding Rs. 325 not having been paid to the

Sanand Deputy Manager in the later part of October 1918. Exhibit 34 was the tumar which eventually led to the discovery of the wholesale embezzlements that had been going on in the office. And the frantic efforts made by the office of the Talukdari Settlement Officer to show that the non-payment was due to a mere clerical mistake so as to throw dust into the eyes of the Talukdari Settlement Officer show how wide the conspirators had spread their net and how astutely they succeeded in making the accused their scapegoat.

I shall not here narrate the successive steps in the campaign of deception to which the Talukdari Settlement Officer's office resorted. I shall content myself by a reference to the lucid summary in the committal order recorded by the learned District Magistrate. What I shall endeavour to show is that the attempt made by the office to throw the entire blame upon the accused was as cynical as it was wicked.

The first step taken in the office was to falsify the balance sheet of North Daskroi about the Molvi's khata by altering it from Re-1-4-0 to Rs. 1,576-4-0. Amratlal (Exhibit 34) states that the alteration was in the accused's hand and that he knew it to be so when it was shown to him and yet Amratlal blandly asserts that in spite of the manifest forgery he thought it was a mere clerical mistake. Then an attempt was made to cover their traces by sending an order for transferring the sum from Molvi's khata to the personal deposit account to the Talukdari Settlement Officer for his signature. Popatlal obtained the signature on the 9th December 1918 and the order was sent to North Daskroi. It is alleged that this order was in the handwriting of the accused. But we have only the word of Amratlal to prove this. It is, however, significant that the original order disappeared before the first enquiry was started.

Then we have the story of how Amratlal to make up the deficiency remitted to North Daskroi Rs. 1,425 on the 17th of January 1919 and Rs. 150 on the 20th of January 1919. The chalan was signed, not by the Talukdari Settlement Officer as it ought to have been, but by Amratlal. How was it that the order so given was accepted at the treasury? It is not difficult to detect the hand of someone, wielding far greater influence than the accused, pulling the strings from behind the scenes! But what is the evidence that these payments were made by the accused? Nothing beyond the bare word of Amratlal. Why is Hariprasad, who is said to have witnessed the first payment, not examined? As for the second payment, Ganpat before whom it purports to have been made simply denies it. And what was the conduct of Popatlal while this conspiracy was being unmasked? Although Amratlal had informed him about the altered balance sheet before Christmas and the balance sheets and the account books were also shown to him it was not till the 20th of January that he breathed a word of suspicion in the ears of the Talukdari Settlement Officer. Till then he lulled the Talukdari Settlement Officer with the assurance that it was a case of mere late payment and he advised that as the money had been paid no prosecution should be launched. But the Talukdari Settlement Officer was at last disillusioned. He ordered a thorough enquiry but unfortunately the enquiry was entrusted to persons under the thumb of Popatlal. The result was that Popatlal had opportunities to manipulate the evidence as he pleased. The abstraction of the account books from Keshavlal's desk could not have taken place without his connivance. The preservation of the account books for the current year is scarcely an indication of good faith. If they too had been lost then his complicity would have been a matter not of suspicion but of certainty.

This was the view taken by the Talukdari Settlement Officer when he suspended Popatlal on the 14th February. This, however, is not the view that commended itself to the learned District Magistrate who in his committal order has entered into a laboured *apologia* for Popatlal. The observations that I have made should not be construed as indicating my considered opinion about Popatlal's guilt. He appears in this Court merely as a witness. Although a pleader put in his appearance to watch the case on his behalf he was not in a position to exercise any influence on the conduct of the proceedings. The line of defence adopted by the accused was that Popatlal was the protagonist in the conspiracy and he himself an innocent tool in his hands. The observations I have made against Popatlal in examining this line of defence are necessarily *ex parte*. They must be viewed as embodying my opinion on the probabilities of the case so far as the guilt of the accused is concerned. They cannot possibly amount to a judicial expression of opinion as to Popatlal's guilt.

I shall now briefly discuss the remaining items.

The 4th item is a sum of Rs. 200 drawn on the 17th August for office use. The withdrawal order (Exhibits 18 and 19) bear no initials and Mr. Gordon doubted the genuineness of his signature upon it. The only evidence of misappropriation by the accused is that it is not credited in the day's accounts. But the accused at the very first opportunity stated on seeing the rojmel of that day that it was not in his hand (Exhibit 39). Assuming it was in his hand I would refer to my observations in the earlier portion of my judgment to show that in my opinion the mere non-credit of the amount in the rojmel does not necessarily show that the accused had misappropriated it.

Turning to item No. 5, it is an item of Rs. 350 drawn from the North Daskroi office for office use on the 12th September. But in the rojmel Rs. 300 only was entered. Thus Rs. 50 remained unaccounted for. There is a marginal note on the withdrawal order (Exhibits 20 and 21) in Popatlal's hand showing that the money was required for payment to the creditor of Dekkawada estate. It appears that on the 14th September a sum of Rs. 277 odd was paid to the Dekkawada creditor and a debit entry of Rs. 300 was made on that day. Considering that Popatlal was the Debt Settlement Officer and the accused had nothing to do with the Debt Settlement it is impossible to attribute the defalcation for this item to the accused. alone. On the other hand, it is possible to exonerate the accused from all bad faith considering the position which he held with respect to Popatlal.

Item No. 6 is a sum of Rs. 500 drawn on 26th September for office use which is not brought to account. The withdrawal order is not initialled by Popatlal. Mr. Gordon's signature upon it is said to be doubtful. It is unnecessary to repeat the observations that I have previously made regarding the insufficiency of this evidence to incriminate the accused.

The 7th is an item of Rs. 225 drawn for office use on the 3rd October, the withdrawal order being dated the 30th of September. It was credited in the Day Book as Rs. 100 only under date October 2nd. Thus there is a short credit of Rs. 125.

Apart from his general line of defence the accused in this case advances a special plea that he cannot possibly be held liable as from the morning of the 3rd October before the receipt of the money he had gone on leave. Unfortunately his leave application for a copy of which he applied has not been produced. But I mention this circumstance as re-inforcing the general line of defence which the accused has adopted.

The last item No. 8 is a sum of Rs. 1,000 drawn on the 11th October under the withdrawal order (Exhibits 26 and 27) which bear no initials and upon which Mr. Gordon's signature is said to be doubtful.

On the 10th October the accused was admittedly on leave suffering from a severe attack of influenza and to support their case the prosecution have been driven to the theory of a laboured forgery carried out by the accused in conjunction with the peon Rustom at his home while he was in the grip of an attack of influenza. The bare statement of this theory furnishes its best refutation.

I have now discussed in detail all the items alleged by the prosecution to have been misappropriated by the accused. I have prefaced my examination by a general discussion of the system of work prevailing in the office, the relations of the accused to the other members of the establishment and particularly to Popatlal, and have given my reasons for conclusion that it was impossible for the accused alone to commit the defalcations without the active complicity of the Head of his branch. It is not impossible that these defalcations could have been committed by the Head of the branch without his knowledge. The evidence taken as a whole leaves room for a reasonable doubt whether the accused may not have been after all an innocent tool in the hands of his more designing superiors.

This is also the view taken by both the assessors. If so, the accused is entitled to claim an acquittal by urging in the last resort that the benefit of the doubt should be given to him.

(Signed) F. X. DESOUZA,
Sessions Judge.

16th July 1920.

ORDER.—The Court concurring with both the assessors finds the accused not guilty of the offence charged or of any offence and directs that he be acquitted and discharged and that his bail bond be cancelled.

(Signed) F. X. DESOUZA,
Sessions Judge.

16th July 1920.

True copy.

M. M. JOSHI,
Clerk of the Court,
Sessions Court, Ahmedabad.

APPENDIX X.

1. Chand Abdulla.
2. Keshavlal Dayabhai.
3. Keshavlal Popatlal.
4. Meghsing Madhavsing.
5. Kanji Jalamsing.
6. Gokal Bhailal.
7. Mahashankar Narsi.
8. Manibhai Haribhai.
9. Jiva Bhika.
10. Bhupta Umed.
11. Iftekharhusain Sardarhusain.
12. Baban Alarkh.
13. Kassam Rahman.
14. Manilal Dalsukh.
15. Haji Miabhai.
16. Bhogilal Virchand.
17. Himat Rasul.
18. Malek Kutubji.
19. Mohan Ladha.
20. Husen Kalu.
21. Rasul Abram.
22. Daval Isab.
23. Baldev Dayalji.
24. Jivaji Anrupji.
25. Devshi Trikam.
26. Bapuji Amir.
27. Popat Laxman.
28. Moti Shankar.
29. Bhailal Kalidas.
30. Kalidas Desaibhai.
31. Dadabhai Mundas.
32. Dalsukh Jivan.
33. Aju Talshi.

APPENDIX Y.

REVENUE DEPARTMENT.

Bombay Castle, 22nd June 1920.

No. *E.*-21.—Under the authority delegated to him by the Secretary of State for India His Excellency the Governor in Council has ordered that the following incremental scales of pay shall be substituted with effect from December 1st, 1919, for the graded service heretofore in force in the case of Deputy Collectors and Subordinate Judges in the Bombay Presidency.

BOMBAY CIVIL SERVICE (BOMBAY PRESIDENCY).

Executive Branch.

Grade.	No. of appointments.	Salary of each appointment.
Selection grade ...	3	1 on Rs. 1,100 1 on Rs. 1,000 1 on Rs. 900
1 ...	15	700—50—850 Efficiency bar.
2 ...	28	$550—\frac{50}{2}—650$ Efficiency bar.
3 ...	42	$300—\frac{50}{2}—500$

BOMBAY CIVIL SERVICE (PRESIDENCY PROPER).

Judicial Branch.

No. of appointments.		
	Special line*—	
6	Assistant Judges	... 650—70—1,000
	General line—	
3	Judges, Court of Small Causes, Poona, Ahmedabad and Surat.	1,000
	Sub-Judges—	
3	Selection posts	... 1,000
21	Sub-Judges, First Class	... 700—50—850
116	Sub-Judges, Second Class	... 300 (for two years). $350—\frac{50}{3}—600$†
13	Leave Reserve	... Do.

BOMBAY CIVIL SERVICE (SIND).

Judicial Branch.

No. of appointments.	Grade.	Salary of each appointment.
	Special line*—	
1	Assistant Judge	... 650—70—1,000
	General line—	
	Sub-Judges	... .
1	Selection post	... 1,000
3	Sub-Judge's First Class	... 700—50—850
19	Sub-Judges, Second Class	... 300 (for two years). $350\text{—}\frac{50}{3}\text{—}600$†
2	Leave Reserve	... Do.

* With prospects of promotion to District Judgeships. † Efficiency bar at 500.

By order of His Excellency the Honourable the Governor in Council,

P. J. MEAD,
Chief Secretary to Government.

APPENDIX Z.

Statement of Local Board roads to be provincialized in the Northern Division.

Serial No.	Name of road.	Name of District.	Length of road.
1	Kaira-Barejdi Road (*viâ* Vasna, Naika, Navagaum, Bareja.)	Kaira ...	22⅞
2	Dakor-Pali Road	Do. ...	14⅜
3	Nadiad-Anand Road	Do. ...	13
4	Anand to Borsad	Do. ...	12½
5	Nadiad to Kapadvanj	Do. ...	27
6	Nadiad, Matar and Wasna Road ...	Do. ...	18¼
7	Ahmedabad to Bareja	Ahmedabad ...	11⅛
8	Ahmedabad to Viramgam (*viâ* Sanand) ...	Do. ...	35
9	Ahmedabad to Barvala (*viâ* Bhavla and Dhandhuka.)	Do. ...	63
10	Dholera to Dhandhuka	Do. ...	17
11	Viramgam to Mandal	Do. ...	15
12	Timba to Godhra	Panch Mahals ...	17
13	Godhra to Dohad (British portion) ...	Do. ...	22
14	Godhra to Baroda limits	Do. ...	21
15	Dohad to Kundanpur	Do. ...	13⅓
16	Limkheda to Jhalod	Do. ...	14⅓
17	Vapi to Chikhli (*viâ* Bagvada, Pardi and Bulsar).	Surat ...	31·6
18	Chikhli to Navsari (*viâ* Matwad) ...	Do. ...	18⅓
19	Sachin to Surat, Olpad and Sahol ...	Do. ...	21·57
20	Sahol to Borebhata (*viâ* Hansot and Ankleshwar).	Do. ...	27
21	Vadoli to Mandvi	Do. ...	33⅓
22	Madhi to Buhari	Do. ...	17½
23	Broach to Jambusar.	Broach ...	28·87
24	Kalyan Shil	Thana ...	9

APPENDIX AA.

Dramatic Performances Act. 1876.

Orders under section 10 of the — in regard to the licensing of dramatic performances in certain areas in the Bombay Presidency.

GOVERNMENT OF BOMBAY.

JUDICIAL DEPARTMENT.

Resolution No. 3042.

Bombay Castle, 5th May 1916.

Notification No. 3041.—In exercise of the powers conferred by section 10 of the Dramatic Performances Act, 1876 (XIX of 1876), and in modification of Government Notifications in the Judicial Department, No. 6183, dated the 27th October 1910, No. 3974, dated the 10th July 1911, No. 1718, dated the 10th March 1915, and No. 8444, dated the 16th December 1915, the Governor in Council is pleased to order that no dramatic performance shall take place in any place of public entertainment within the limits of the areas hereinafter mentioned except under a license from the District Magistrate or the City Magistrate when the performance is to be held in a Cantonment; and from the District Magistrate or the Mamlatdar or Mahalkari when it is to be held elsewhere in the district.

2. The areas hereinbefore referred to are the districts of Ahmedabad, Kaira, Panch Mahals, Broach, Surat and Thana, the towns of Pachora and Chalisgaon in the Pachora and Chalisgaon talukas of the East Khandesh district, the villages of Harchiri and Chindraoli in the Ratnagiri taluka of the Ratnagiri district, and the limits of the following municipalities :—

West Khandesh District.

Dhulia, Betavad, Sindkheda, Shirpur, Nandurkar, Taloda, Shahada.

East Khandesh District.

Jalgaon, Amalner, Parola, Erandol, Dharangaon, Bhadgaon, Chopda, Savda, Yaval, Bhusaval, Faizpur, Raver.

Nasik District.

Nasik City, Yeola, Malegaon, Sinnar, Igatpuri, Trimbak.

Ahmednagar District.

Ahmednagar, Bhingar, Sangamner, Vambori, Kharda.

Poona District.

Poona City, Poona Suburban, Sasvad, Jejuri, Baramati, Indapur, Sirur, Talegaon Dabhade, Lonavla, Khed, Alandi, Junnar.

Satara District.

Satara City, Satara Suburban, Karad, Rahimatpur, Wai, Mhasvad, Islampur, Vita, Tasgaon, Ashta, Malcompeth.

Sholapur District.

Sholapur, Barsi, Karmala, Pandharpur, Sangola.

Kolaba District.

Alibag, Pen, Roha-Ashtami, Mahad, Panvel, Uran, Matheran.

Ratnagiri District.

Ratnagiri, Vengurla, Rajapur, Chiplun.

Bijapur District.

Bijapur, Bagalkot, Ilakal, Guledgud.

Belgaum District.

Belgaum, Nipani, Athni, Gokak, Saundatti-Yellamma, Yemkanmardi.

Dharwar District.

Dharwar, Hubli, Gadag-Bettigeri, Navalgund, Yemnur, Nargund, Ranebennur, Guddguddapur, Byadgi, Haveri.

RESOLUTION.—Copies of the foregoing notification should be forwarded to the officers concerned for information and guidance, with reference to Government Resolutions No. 6184, dated the 27th October 1910, and No. 8445, dated the 18th December 1915, which are hereby cancelled.

2. Each District Magistrate concerned should forthwith arrange to serve under section 10 of the Act a copy of the notification on the keeper of each place of public entertainment within the specified districts in which dramatic performances ordinarily take place or are likely to take place.

3. The officers empowered to grant licenses are requested to observe the following instructions :—

(i) A license should not be granted until a copy, printed or manuscript, of the piece to be acted is produced for perusal; or, if the play is in pantomine, then a sufficient account of its purport.

(ii) When the copy is produced the play should be carefully examined without delay. A license should be refused if the play be found—

(*a*) to be indecent or of a scurrilous character;

(*b*) to contain offensive personalities;

(*c*) to be likely to wound the religious feelings of any class of individuals;

(*d*) to be seditious or to be likely to excite political discontent;

(*e*) to promote hostile feelings between different classes;

(*f*) to be calculated to cause a breach of the peace.

In such cases the licensing officer should specify in his order of refusal upon which of the above grounds the license is refused. If the play be found to be unobjectionable a license should be granted at once in the form attached to this Resolution.

(iii) No fee is to be charged on either the application for, or the issue of, a license.

(iv) No avoidable delay is to be permitted to occur in disposing of applications for licenses, it being essential that the restriction should be made as little irksome and inconvenient as possible to performers of unobjectionable plays.

(v) A performance licensed under the Dramatic Performances Act may subsequently be prohibited, if necessary, by the licensing officer for performances appointed by the rules uuder section 39-A of the District Police Act (see rule 42 of the rules accompanying Government Resolution No. 4397, Judicial Department, dated the 22nd June 1915).

(vi) Mamlatdars and Mahalkaris have been included among the officers empowered to grant licenses, in order to minimise the inconvenience to performers in remote towns; they should be specially cautioned to exercise the power with care and discretion.

4. Should the Commissioners of the Central and Southern Divisions consider that the prohibition to hold dramatic performances except under a license should be extended to areas in their divisions not covered by the notification, they should submit proposals for the consideration of Government.

5. The Manager of the Yeravda Prison Press should be requested to print the license from referred to in paragraph 3 (ii) above as a standard form, and to supply copies thereof to officers on indent.

(Signed) A. F. KINDERSLEY,
Under Secretary to Government.

Accompaniment to Government Resolution No. 3042, dated the 5th May 1916.

LICENSE.

Pursuant to section 10 of the Dramatic Performances Act, 1876, license is hereby granted to* of
to produce the dramatic performance known as† at any place of public entertainment within the being an area to which the provisions of section 10 of the said Act have been duly applied. This license is granted subject to the conditions printed on the reverse, and will expire on the‡

Dated §

* Name of person or persons producing the play.
† Name of play.
‡ Date of expiry.
§ Name and designation of licensing authority.

Conditions.

1. No person engaged in the performance shall—
   (*a*) make use of language which is profane or improper;
   (*b*) commit any indecency of dress, dance or gesture;
   (*c*) make any offensive personation or representation of an individual;
   (*d*) do anything calculated to excite feelings of sedition or political discontent;
   (*e*) do anything calculated to cause riot or breach of the peace or hostile feelings between classes or to wound the religious feelings of any individual or class;
   (*f*) engage in any dangerous acts or representations.

2. The performance shall be conducted in all respects in the manner stated to the licensing authority when this license was applied for, and no material variation whether in the words of otherwise shall be introduced.

3. If at any time it appears to a police officer not below the rank of a Sub-Inspector that the performance is or is about to become objectionable the licensee shall stop the performance on the request of such police officer pending the decision of the licensing authority on the point.

I hereby agree to the above conditions and agree that the licensing authority may cancel this license in the event of any default being made in the observance of the same, whether by me or by any person engaged in the performance.

Dated

* Signature of licensee.

GOVERNMENT OF BOMBAY.

JUDICIAL DEPARTMENT.

Resolution No. 5942.

Bombay Castle, 6th September 1916.

Notification No. 5941.—In exercise of the powers conferred by section 10 of the Dramatic Performances Act, 1876 (XIX of 1876), and in modification of Government Notification in the Judicial Department, No. 3041, dated the 5th May 1916, in so far as it relates to the districts of West Khandesh, East Khandesh, Nasik, Ahmednagar, Poona, Kolaba, Ratnagiri, Bijapur and Belgaum, the Governer in Council is pleased to order that no dramatic performance shall take place in any place of public entertainment within the areas hereinafter mentioned except under a license from the District Magistrate or the City Magistrate when the performance is to be held in the head-quarter town of the District; from the District or the Cantoment Magistrate when it is to be held in a cantonment, and from the District Magistrate or the Mamlatdar or Mahalkari when it is to be held elsewhere in the district.

2. The areas hereinbefore referred to are the towns of Sakri and Pimpalner in the Sakri taluka of the West Khandesh district and the town of Nawapur in the Nawapur petha of that district; the town of Bhadgaon in the East Khandesh district, the cantonment of Deolali in the Nasik district; the cantonment of Ahmednagar in the Ahmednagar district; the cantonments of Poona and Kirkee in the Poona district; the district of Kolaba; the towns of Malvan and Dapoli in the Ratnagiri district; the towns and villages of Indi, Sindgi, Bijapur, Bagevadi, Muddebihal, Bagalgot, Hungund, Badami, Bilgi, Chadchan, Horti, Almel, Devarhippargi, Algur, Ilkal, Amingad (including Sulibhavi), Guledgudd, Kerur, Batkurki, Golgeri, Talikot, Sangam and Banshankri in the Bijapur District; the towns of Chikodi and Bail Hongal, the cantonment of Belgaum and the village of Sankeshwar in the Belgaum district; the limits of the following municipalities:—

West Khandesh district.

Dhulia, Betavad, Sindkheda, Shirpur, Nandurbar, Taloda, Shahada.

East Khandesh district.

Jalgaon, Amalner, Parola, Erandol, Dharangaon, Chopda. Savda, Yaval, Bhusaval, Faizpur, Raver.

Nasik district.

Nasik City, Yeola, Malegaon, Sinnar, Igatpuri, Trimbak.

Ahmednagar district.

Ahmednagar, Bhingar, Sangamner, Vambori, Kharda.

Poona district.

Poona City, Poona Suburban, Sasvad, Jejuri, Baramati, Indapur, Sirur, Talegaon Dabhade, Lonavla, Khed, Alandi, Junnar.

Ratnagiri district.

Ratnagiri, Vengurla, Rajapur, Chiplun.

Belgaum district.

Belgaum, Nipani, Athni, Gokak, Saundatti-Yellama, Yamkanmardi.

RESOLUTION.—Copies of the foregoing notification should be forwarded to the officers concerned for information and guidance, with reference to Government Resolution No. 3042, dated the 5th May 1916, and with a request that the instructions contained in paragraphs 2 and 3 of that Resolution may be carefully observed.

(Signed) A. F. KINDERSLEY,
Under Secretary to Government.

Rules 33—46 of the Rules under section 39-A of the District Police Act for licensing and controlling theatres and other places of public amusement.

[PERFORMANCE LICENSE.]

33. No performance license shall be required under these rules in any district for a dramatic performance for which there is a license in force in any part of that district under the Dramatic Performances Act, 1876: but such performance may be prohibited by the licensing officer for performances for any of the reasons mentioned in sub-rule (1) of rule 42, subject to the provisions of sub-rule (2) of rule 42. Any persons holding or assisting in a performance so prohibited shall be punishable as for a breach of these rules.

34. The manager of any body of persons giving a dramatic performance for which under the last foregoing rule no license under these rules is required shall on demand made by the licensing officer or by any police officer of or above the rank of Sub-Inspector, who is authorised by general or special orders to demand it, such demand being made on any day upon which a performance is being or is intended to be given, produce for inspection the license in force for the play under the Dramatic Performances Act, 1876, and a copy of the play endorsed by the officer by whom the license was granted.

35. Subject to the provisions of rule 33, no person shall hold on such premises any public performance of a stage-play or of dancing, singing or music or any other public exhibition or any diversion or game to which the public are admitted on payment of money, unless and until he has obtained a performance license, nor shall any person who has obtained a performance license hold such public performance or public exhibition in any premises which have not been licensed. A performance license shall be in the form of Schedule B hereto attached, with any necessary alterations or additions.

36. (1) The licensing officer for performances shall be, in any Municipality in which there is a City Magistrate, the City Magistrate, and elsewhere the Mamlatdar or the Mahalkari, as the case may be.

(2) The licensing officer for performances shall in every case be subject to the control of the District Magistrate, who shall himself have all the powers of a licensing officer for performances.

37. In case of the inability of any licensing officer, through illness, absence from the area for which he is empowered or other necessary or reasonable cause, to exercise his powers or perform his duties, the powers and duties of licensing officer may be xercised by such Magistrate as the District Magistrate may, by special or general order, appoint in this behalf.

38. When a performance or exhibition of any stage play, dancing, singing, music or any diversion or game or the means of carrying on the same is intended to be provided by a body of individuals in any premises, a performance license shall be applied for on behalf of such body by some person acting as the constituted manager of such body, and such manager shall be responsible for any breach or violation of these rules committed on such premises by any member of such body as if such breach or violation was committed by himself.

39. The performance license shall state (1) the title of each item on the programme, and (2) the general description of such item, as for instance "drama", "song", "cinematograph film".

40. A performance license may, in the discretion of the licensing officer, be granted either for a performance at a single place of amusement or for all or any places within the area for which he is the licensing officer.

41. Every person applying for a performance license under these rules shall, unless specially relieved by the licensing officer from liability to this rule, submit a copy of every stage-play intended for production or exhibition to the licensing officer at least three days previous to the intended time of such production or exhibition. Nothing in this rule shall affect the provisions of rule 23.

42. (1) The licensing officer may refuse, or after granting may withdraw, a license to perform or exhibit any or all of the plays, films or exhibitions mentioned in the application if he considers them—

(*a*) to be indecent or of a scurrilous character;

(*b*) to contain offensive personalities;

(*c*) to be likely to wound the religious feelings of any class of individuals;

(*d*) to be seditious or to be likely to excite political discontent;

(*e*) to promote hostile feelings between different classes;

(*f*) to be calculated to cause a breach of the peace; or

(*g*) to be objectionable on any ground other than those specified in (*a*), (*b*), (*c*), (*d*), (*e*) and (*f*).

(2) The licensing officer shall specify in his order of refusal or withdrawal upon which of the above grounds such order is passed and, in the case of an order passed on ground (*g*), shall state in such order the reasons which lead him to consider the play objectionable.

43. A performance license may be granted for any period not extending beyond the 31st day of December in the year for which it is issued.

44. No person holding a performance license under these rules shall, during any performance or exhibition, permit on the stage—

(*a*) any profanity or impropriety of language;

(*b*) any indecency of dress, dance or gesture;

(*c*) any offensive personation or representation of any individual;

(*d*) anything calculated to excite feelings of sedition or political discontent;

(*e*) anything calculated to produce riot or breach of the peace or to promote hostile feelings between different classes or to wound the religious feelings of any individual or class of individuals;

(*f*) any dangerous exhibition of, or performance with, wild beasts; or

(*g*) any performance involving risk, damage or danger to the public.

45. If at any time it appears to a police officer not below the rank of a Sub-Inspector that any performance in licensed premises is, or is about to become, objectionable, the licensee shall stop or alter the performance on the representation of such police officer, pending the decision of the licensing officer on the point.

46. No person who has obtained a performance license shall continue any performance after 1-30 a.m. without the special permission of the licensing officer.

APPENDIX BB.

INDIAN CONSTITUTIONAL REFORMS.

हिंदुस्थानच्या राज्यकारभारासंबंधी सुधारणा.

हिंदुस्थानच्या लोकांची स्थिति सुधारावी व आपल्या देशाचा राज्यकारभार स्वतःच योग्य रीतीनें व न्यायीपणानें चालवितां येण्याची लायकी त्यांच्या आंगीं येतांच त्या कामीं त्यांना सर्व मार्गांनीं मदत करावी हाच हिंदुस्थानांतील ब्रिटिश राज्यपद्धतीचा नेहमींचा व अगदीं प्रथमपासूनचा हेतु आहे.

१२० वर्षांपूर्वी देखील सर टॉमस मनरो यांनीं असें लिहिलें आहे :—

"लोकांच्या चारित्र्यावर आपल्या व्यवस्थेचा अखेरीस कोणता परिणाम होणार आहे? त्यांच्या चारित्र्याची उन्नति किंवा अवनति होणार? केवळ आपला अधिकार बिनधोक ठेवून लोकांचें संरक्षण झालें म्हणजे आपण कृतकृत्य झालों असें समजावयाचें किंवा त्यांच्या चारित्र्याची उन्नति करण्यासाठीं व आपल्या देशाच्या कारभारांत उच्च दर्जाच्या जागांचें काम करण्यासाठीं व आपला देश सुधारण्याच्या कामीं नवीन योजना शोधून काढण्यासाठीं त्यांना लायक करण्याकरितां आपण प्रयत्न करावयाचा?.....हिंदुस्थान हें आपणांस कांहीं काळापुरतेंच मिळालेलें आहे असें न समजतां हिंदी लोक आपल्या स्वतःकरितां योग्य राज्यकारभाराची एक पद्धति तयार करून तो कारभार चालविण्याइतके व कायम ठेवण्याइतके सुशिक्षित होईतोंपर्यंत तें आपण आपल्याकडे ठेवावयाचें आहे असें आपण समजलें पाहिजे."

यावरून असें दिसून येईल कीं, १०० वर्षांपेक्षांही अधिक वर्षांपर्वी, हळू हळू आपला राज्यकारभार आपण स्वतः पाहूं लागण्याइतकी हिंदुस्थानच्या लोकांची सुधारणा करण्याचें ध्येय इंग्लिश लोकांनीं नेहमीं आपल्यापुढें ठेविलें होतें. हिंदुस्थानांत सर्वत्र जें शिक्षण ब्रिटिश लोकांनीं सुरू केलें आहे त्याचा उद्देशही हाच आहे. वेळोवेळीं, जेव्हां जेव्हां अनुकूल परिस्थिति प्राप्त झाली तेव्हां तेव्हां हिंदुस्थानांतील लोकांच्या सुरक्षिततेकडे नजर देऊन नियमितपणें पुढें पाऊल टाकण्यांत आलें आहे. आतां तर आपण पूर्वीपेक्षांही अधिक पुढें पाऊल टाकण्याच्या बेतांत आहों, व तें पाऊल म्हटलें म्हणजे आलीजा नामदार व्हाइसराय व स्टेट सेक्रेटरी मि. मांटेग्यू यांच्या सन १९१८ च्या रिपोर्टींत त्यांनीं शिफारस केलेल्या हिंदुस्थानच्या राज्यकारभारासंबंधी सुधारणा ह्यांच्या द्वारें होय.

तारीख २० माहे आगस्ट सन १९१७ रोजीं हिंदुस्थानचे स्टेट सेक्रेटरी यांनीं कॉमन्स सभेंत एक फार महत्वाची गोष्ट जाहिर केली व असें करतांना ते खालीं लिहिल्याप्रमाणें म्हणाले :—

"मलिक माआझम यांच्या सरकारचें जें धोरण हिंदुस्थान सरकारास पूर्ण संमत आहे तें धोरण म्हटलें म्हणजे राज्यकारभाराच्या प्रत्येक शाखेंत हिंदुस्थानच्या लोकांचा जास्त शिरकाव करूं देणें व हिंदुस्थान हा ब्रिटिश साम्राज्याचा संपूर्ण घटक या नात्यानें त्यांत जबाबदार राज्यपद्धतीला उत्तरोत्तर मूर्तस्वरूप देण्याच्या हेतूनें स्वायत्त संस्थांची हळू हळू वाढ करणें हें होय. या दिशेनें शक्य तितक्या लौकर महत्वाचे उपाय योजण्यांत यावे असें आणि हे उपाय कोणते असावे याचा विचार करण्यापूर्वी विलायतेंतील अधिकारी व हिंदुस्थानांतील अधिकारी यांनीं मोकळ्या मनानें आपलीं मतें एकमेकांस कळविणें अत्यंत महत्वाचें आहे असें मलिक माआझम यांच्या सरकारानें ठरविलें आहे.....या धोरणांत क्रमाक्रमानेंच प्रगति होणें शक्य आहे असें मी सांगतों. ज्यांच्यावर हिंदुस्थानच्या लोकांचें कल्याण व सुधारणा करण्याची जबाबदारी आहे त्या ब्रिटिश सरकारनें व हिंदुस्थान सरकारनें प्रत्येक सुधारणा करण्याची वेळ व उपाय ठरविले पाहिजेत, आणि ज्यांना देशसेवा करण्याची नवी संधि याप्रमाणें देण्यांत येईल त्यांच्याकडून मिळणाऱ्या मदतीवरून आणि त्यांच्या जबाबदारीच्या जाणीवेवर विश्वास ठेवतां येण्याजोगा आहे असें दिसून येईल त्यामानानें त्या सरकारनीं अशी वेळ व उपाय ठरविले पाहिजेत."

या विधानासंबंधानें व्हाइसराय व सेक्रेटरी ऑफ स्टेट यांनीं हिंदुस्थानांतील राज्यकारभारासंबंधी सुधारणांच्या आपल्या रिपोर्टींत खालीलप्रमाणें लिहिलें आहे :—

"हिंदुस्थानच्या दीर्घकालिक इतिहासांत आजपर्यंत केव्हांही काढण्यांत आलेल्या उद्गारापेक्षां हे उद्गार महत्वाचे आहेत असें आम्हीं समजतों. त्यांवरून तीस कोटी लोकांसाठीं एक नवें धोरण

योजण्यासंबंधानें अगदीं स्पष्ट भाषेंत ब्रिटिश सरकार वचन देत आहे. हें धोरण पाश्चिमात्य लोकांच्या दृष्टीनें जुनें असून कसास उतरलेलें आहे. इंग्लिश लोक जर कोणतीही उत्तम राज्यपद्धति असेल तर ती जबाबदार राज्यपद्धति होय असें समजतात; आणि आतां हिंदुस्थानच्या विनंतीवरून ही पद्धति जाहीरनाम्यांत सांगितलेल्या अटींवर हिंदुस्थानास देखील लागू करण्याचें त्यांनीं अभिवचन दिलें आहे."

हिंदुस्थानाच्या राज्यकारभारांत व राज्यपद्धतींत करावयाच्या योजलेल्या या सुधारणा आतां ब्रिटिश पार्लमेंटनें अखेरच्या पसंत केल्या आहेत व त्यांस बादशहांची मंजुरी मिळाली असून कायद्याचें स्वरूप प्राप्त झालें आहे.

हिंदुस्थानच्या इतिहासांत अत्यंत महत्वाची प्रगति करणाऱ्या म्हणून ज्यांना योग्य रीतीनें म्हटलें आहे अशा या राज्यकारभारासंबंधी व्यापक सुधारणांविषयीं सविस्तर माहिती होण्यासाठीं व्हाइसराय व सेक्रेटरी ऑफ स्टेट यांच्या हिंदुस्थानांतील राज्यकारभारासंबंधी सुधारणांचा रिपोर्ट व हिंदुस्थान सरकाराबाबत आक्टाच्या ज्या मसुद्यानें या सुधारणा कायद्याच्या रूपांत संघटित करण्यांत आल्या आहेत त्या आक्टाच्या मसुद्याचें नीट काळजीपूर्वक मनन करणें, आवश्यक आहे. (हीं दोन्ही पुस्तकें ब्यूरो आफ धी गव्हर्नमेंट ऑफ बॉंबे डिरेक्टरेट ऑफ इन्फर्मेशन, सेक्रेटेरिएट-पूर्वीचें फ्रीमन-टॉमस हॉस्पिटल, एस्प्लानेडरोड, मुंबई, येथें पाहाण्यास मिळतील किंवा तीं थोडक्या किंमतींत विकत मिळतील). अगदीं थोडक्यांत सांगावयाचें म्हटलें म्हणजे या सुधारणांमुळें हिंदुस्थानांत पार्लमेंटची राज्यपद्धति सुरू होऊन जबाबदार राज्यपद्धतीचा पहिला महत्वाचा उपक्रम चालू होणार आहे असें म्हणतां येईल. या सुधारणांमुळें सर्व स्थानिक सरकारांच्या जबाबदाऱ्या व कार्यक्षेत्र हीं एकदम वाढतील व त्यांच्याद्वारें प्रत्येक इलाख्यांतील व प्रांतांतील दरेक नागरिकाची जबाबदारी फार वाढेल.

अशा रीतीनें मुंबई इलाख्यासाठीं १११ सभासद असलेलें एक कायदेकौन्सिल असेल, व त्यांपैकीं निदान शेंकडा ७० सभासद लोकांकडून निवडण्यांत येतील व शेंकडा २० पेक्षां जास्त नाहीं, इतके अधिकारीवर्गांतील सभासद असतील. कायदे कौन्सिलच्या निवडलेल्या सभासदांमधून दिवाणांची नेमणूक करण्यांत येईल, व त्यांच्याकडे निरनिराळीं खातीं देण्यांत येतील.

त्याचप्रमाणें हिंदुस्थान सरकारसंबंधानें ६० सभासदांपेक्षां जास्त नाहींत इतके सभासद असलेलें एक कौन्सिल ऑफ स्टेट असेल व त्यांपैकीं २० पेक्षां जास्त नाहींत इतके अधिकारीवर्गांतील सभासद असतील; आणि १४० सभासद असलेली एक कायदे करणारी मंडळी असेल व तींतील १०० सभासद लोकांकडून निवडण्यांत येतील.

सुरवातीसच अजमासें पन्नास लक्ष मतदार असतील, व त्यांच्यावर हिंदुस्तानच्या सुधारलेल्या राज्यपद्धतीअन्वयें स्थापावयाच्या राज्यकारभारासाठीं पार्लमेंटच्या नमुन्याच्या या पहिल्या संस्थेसाठीं प्रतिनिधि निवडण्याची जबाबदारी राहील, व ही संख्या पुढें वाढेल.

राज्यकारभारांत एकदम व फार मोठे असे फेरफार केल्यानें नेहमीं धोका असतो. म्हणून, आणि हिंदुस्थानच्या लोकांचें धोका व भीति यांपासून संरक्षण करण्यासाठीं इंग्लंडच्या पार्लमेंटनें, व्हाइसराय व स्टेट सेक्रेटरी यांच्या मतानें असें ठरविलें आहे कीं, हिंदुस्थानच्या राज्यकारभारांत हे मोठे व प्रागतिक फेरफार क्रमाक्रमानें करण्यांत यावे. हें अतिशय महत्त्वाचें असून त्यामुळें दिवाण, कायदे कौन्सिलांचे सभासद व त्यांना निवडणारे मतदार यांना जसजशी त्यांची प्रगति होईल तसतसा अनुभव मिळेल व त्यांच्या हातून विशेष अपायकारक अशा चुका होणार नाहींत. यासाठीं मुंबई इलाख्यांत आणि दुसऱ्या इलाख्यांत व प्रांतांत कित्येक बाबी "राखून ठेवलेल्या" म्हणून असतील व गव्हर्नर इन् कौन्सिल त्यांचा विचार करतील, आणि दुसऱ्या बाबी सोंपवून दिलेल्या म्हणून असतील व त्या दिवाणांच्या ताब्यांत राहातील. हे दिवाण कायदे कौन्सिलाच्या निवडलेल्या सभासदांपैकीं असतील म्हणजे ते लोकांचे खरेखुरे प्रतिनिधि असतील, कारण कायदे कौन्सिलांतील शेंकडा २० पेक्षां जास्त सभासद सरकारी अमलदार नसल्यामुळें तें लोकनियुक्त असेल. जसजसा दिवाणांना व लोकांना अनुभव येत जाईल तसतशी सोंपून दिलेल्या बाबींची संख्या वाढविण्यांत येईल.

तारीख १६ माहे फेब्रुवारी रोजीं रायपूर येथील जिल्हा कौन्सिलनें व रायपूर शहरच्या म्युनिसिपल कमिटीनें दिलेल्या मानपत्रास उत्तर देतांना मध्यप्रांताचे चीफ कमिशनर सर फ्रँक स्लाय हे म्हणाले :—

"सर्वांत विशेष गोष्ट सांगावयाची म्हणजे राज्यपद्धतीची सुधारलेली नवी योजना तुमच्या जिल्ह्याच्या सुधारण्याच्या कामीं फार महत्वाची गोष्ट होईल अशी मला आशा वाटत आहे. त्या योजनेवर माझा विश्वास असण्याचें कारण हिंदुस्थानच्या लोकांवर असलेला माझा विश्वास होय. हिंदुस्थानांतील लोकांचें अंतःकरण व मन उदात्त असल्यामुळें सदरहू योजना यशस्वी रीतीनें सिद्धीस जाईल असें मला वाटतें. बादशहांच्या जाहिरनाम्याच्या शब्दांत सांगावयाचें म्हटलें म्हणजे "हा मार्ग सोपा नाहीं." या जाहिरनाम्याच्या एका भागासंबंधानें तुम्ही आपल्या मानपत्रांत उल्लेख केलेला आहे, व तो माझ्या मतें फार महत्वाचा आहे. तो भाग म्हटला म्हणजे मलिक माआझम सार्वभौम बादशहा यांनीं सहकारितेसंबंधानें कळकळीनें सांगितलेल्या मुद्यासंबंधाचा आहे. ही सहकारिता एकोप्यानें व सौजन्यानें झाली पाहिजे आणि अशी ही सहकारिता लोकांकडून व सरकारकडून भरपूर कां मिळूं नये हें मला समजत नाहीं, कारण ही सहकारिता एक सर्व सामान्य हेतु साध्य करण्यासाठींच पाहिजे आहे.

माझें पहिल्यानेंच हातीं घेण्याचें काम म्हटलें म्हणजे या सुधारलेल्या राज्यपद्धतीच्या घटनेची सामुग्री तयार करणें हें होय. हें काम आम्ही अगदीं मनापासून करणार आहों आणि पुढच्या नोव्हेंबर महिन्याच्या सुमारास पहिल्या सामान्य निवडणुकीचे वेळीं हें काम पुरें होईल अशी आम्हांस आशा आहे. तुम्हांस सध्यां मुख्यत्वेंकरून कराव्यायाचें काम म्हटलें म्हणजे मतदाराला शिक्षण देणें, जबाबदार राज्यपद्धति म्हणजे काय, तसेंच निवडणूक करणारास काय हक्क आहेत व तसेंच त्यानें करावयाचीं कामें ह्यांविषयीं त्यास नीट समजावून सांगणें, आणि जी जबाबदारी त्याचेवर आहे त्या जबाबदारीकडे योग्य लक्ष्य देऊन आपलें मत त्यानें द्यावयाचें आहे असें त्यास समजावून सांगणें हें होय.

माझी अशी खात्री आहे कीं, पुष्कळ मतदारांना व सुशिक्षित वर्गापैकीं बऱ्याचजणांना देखील या योजनेअन्वयें आपणास कोणता मोठा अधिकार मिळाला आहे हें अद्यापि नीटसें कळलेलें नाहीं. गतकाळांतल्याप्रमाणें आपल्या इच्छा काय आहेत हें कळविण्यासाठीं व देशाचें कल्याण व भरभराट यांची जबाबदारी घेण्यासाठीं बहुतेक मतदारांना यापुढें सरकारावर विसंबून चालायचें नाहीं. भविष्यकाळीं त्यांनीं बहुतेक अंशीं स्वतःवरच विसंबून राहिलें पाहिजे आणि सभासद निवडण्यासाठीं त्यांच्यावर असलेली जबाबदारी व सर्व "सोंपून दिलेल्या" बाबींतील सरकारच्या धोरणाबद्दल सभासदांवर असणारी जबाबदारी त्यांनीं ओळखली पाहिजे. म्हणून मतदाराला आपल्या जबाबदारीसंबंधानें शिक्षण देण्यासाठीं जोरानें प्रयत्न करण्यांत यावा अशी माझी इच्छा आहे. आपणास अमुक मनुष्य आवडतो म्हणून केवळ त्या मनुष्यासाठीं आपण मत द्यावयाचें आहे असें नव्हे, तर भविष्यकाळीं ज्या प्रकारचें धोरण असावयास पाहिजे असें आपणास वाटतें त्या धोरणासाठीं आपणास मत द्यावयाचें आहे, अशाविषयीं मतदाराला पूर्ण समजावून सांगण्यांत यावें. उदाहरणार्थ, सक्तीचें शिक्षण तुम्हांस पाहिजे आहे काय? तुमच्या गांवांत सुधारलेल्या प्रमाणावर आरोग्यरक्षणाचे उपाय असावेत अशी तुमची इच्छा आहे काय? या गोष्टीसाठीं लागणारा खर्च भागण्याकरितां आवश्यक असा कर देण्यास तुम्ही तयार आहांत काय? कारण या व इतर दिशेनें सुधारणा करावयाच्या म्हटल्या म्हणजे खर्च फार वाढणार व तो कराची आकारणी वाढवून भरून काढला पाहिजे.

या गोष्टी तुम्हांस पाहिजे असतील तर त्यांस अनुकूळ असणाऱ्या सभासदांसाठीं तुम्ही मत द्या. जो मनुष्य तुमच्या इच्छांप्रमाणें घडवून आणील असें तुम्हांस खात्रीनें वाटेल त्या मनुष्यास तुमचा सभासद निवडा, पण जीं मोठमोठालीं अभिवचनें पाळणें पुष्कळ अंशीं अशक्य आहे असें तुम्हा स्वतःस तसेंच प्रत्येकास माहीत आहे अशीं अभिवचनें देणाऱ्या मनुष्यास तुम्ही निवडूं नका. परंतु विशेष महत्त्वाची गोष्ट ही कीं, जे लोक ही योजना यशस्वी रीतीनें पार पाडण्यांत मदत करतील व मनापासून काम करतील त्या लोकांस तुमचे सभासद म्हणून निवडा असें तुम्हांस माझें सांगणें आहे. असें करण्यांत मलिक माआझम सार्वभौम बादशहा यांच्या इच्छेप्रमाणें, तुम्ही चाल-ल्यासारखें होईल व तुमच्या स्वतःच्या देशाचें तुम्ही कल्याण कराल. सार्वभौम बादशहांच्या

शब्दांत सांगावयाचें म्हटलें म्हणजे, "हिंदुस्थानची उत्तरोत्तर भरभराट व्हावी व त्यांतील लोकांस अधिकाधिक संतोष व्हावा व त्यांस पूर्ण राजकीय स्वातंत्र्य मिळावें म्हणून स्वतंत्र संस्थांकडे व्यवस्थित रीतीनें प्रगति करण्यासाठीं" जे लोक काम करतील त्यांना निवडा."

लोकांनीं आपलीं मतें शहाणपणानें व काळजीनें द्यावींत हें निःसंशय अत्यंत महत्वाचें आहे. पाल्हाळिक भाषणानें त्यांनीं कधींही भुलून जाऊं नये, परंतु निवडणुकीसाठींचा कोणताही उमेदवार जीं तत्त्वें व जीं धोरणें त्यांच्या पुढें मांडील त्या तत्त्वांचा व धोरणांचा स्वतःच त्यांनीं नीट काळजीपूर्वक विचार करावा आणि त्याला मत देण्यापूर्वी त्याच्या थोर व निःसीम देशभक्तिपूर्ण स्वभावाची व उद्देशांची त्यांनीं खात्री करून घ्यावी. मत देण्यास जे लायक आहेत त्या सर्वांनीं आपलीं नांवें निवडणुकीसाठींच्या यादींत शक्य तितक्या लौकर नोंदवावीं. संबंध असलेल्या प्रत्येक नागरिकानें याकडे ताबडतोब लक्ष्य देणें अत्यंत जरूरीचें आहे. प्रत्येक प्रौढ वयाच्या पुरुषास व स्त्रीस मत देतां येईल असा एक दिवस येईल. हा दिवस फार वर्षांनीं म्हणजे जेव्हां पुष्कळ लोक सुशिक्षित होतील, आणि वाढत्या प्रमाणावर निवडणुकीसाठींच्या याद्या तयार होतील तेव्हां येईल. प्रथमतः देशांत ज्यांच्याजवळ मालकीची थोडीशी जमीन असेल अथवा म्युनिसिपल क्षेत्रांतील घरांत जे राहत असतील ते लोक मतदार असतील.

हिंदुस्थानास पूर्ण स्वराज्य प्राप्त होण्यास लागणारा अवधि हिंदुस्थानच्या लोकांना आपल्या मताचा उपयोग कसा करावा हें शिकण्यास, आणि ज्या प्रतिनिधींना ते निवडतील त्यांना नेमस्त व जबाबदार राजकीय जीवनाचें कार्य शिकण्यास जितका वेळ लागेल त्यावर अवलंबून असेल. चळवळ व तंटेबखेडे यांमुळें ह्या कामास विलंब मात्र लागेल. मनःपूर्वक केलेला अभ्यास व दीर्घ परिश्रम, हिंदुस्थानच्या हितसंबंधासाठीं एकनिष्ठपणें केलेली नोकरी आणि सर्व जाती व पक्ष यांच्या दरम्यानची एकनिष्ठ सहकारिता ह्यांच्यायोगें आपणांस आपल्या ध्येयाकडे अधिक लौकर जातां येईल.

अशा रीतीनें एका राष्ट्रानें दुसऱ्या राष्ट्रास क्वचितच दिलेल्या हक्कांची व संधींची उदार देणगी ब्रिटिश लोकांनीं हिंदुस्थानच्या लोकांस दिली आहे. सुधारणा असें म्हटलेल्या या हक्कांचा व संधींचा खरोखर अर्थ असा आहे कीं :—हिंदुस्थानची राज्यपद्धति अशा रीतीनें बदलली व सुधारली जात आहे कीं त्यामुळें हिंदुस्थानच्या लोकांना त्यांच्या ब्रिटिश अधिकारी व अमलदार यांच्या बरोबर हातांत हात घालून संपूर्ण व जबाबदार स्वराज्याच्या अंतिम ध्येयाकडे निश्चयानें जातां येईल. म्हणून या मार्गांत कांहींही अडथळे न आणतां, ब्रिटिश लोक हिंदुस्थानच्या सर्व लोकांस न्याय मिळेल व कोणचेंही नुकसान होणार नाहीं अशा रीतीनें शक्य तितक्या लौकर हिंदुस्थानचे लोक स्वराज्याच्या ध्येयाकडे जाऊन पोंहचतील असें करण्यासाठीं हरेक प्रयत्न करीत आहेत व यापुढें करतील.

म्हणूनच ब्रिटिशांनीं या सुधारणा सुरू केल्या आहेत, व या सुधारणांचा हाच मुख्य हेतु आहे. हिंदुस्थानास या इष्ट ध्येयाकडे जाऊन पोंहचण्यास किती अवधि लागेल हें खुद्द हिंदुस्थानच्या लोकांवर व या महत्त्वाच्या सुधारणा अमलांत आणण्याच्या कामीं मदत करण्यासाठीं त्यांनीं दाखवावयाच्या उत्साहावर, कळकळीवर, प्रामाणिकपणावर व एकनिष्ठेवर अवलंबून आहे. हिंदी पुढारी व राजकारणी पुरुष हे, देशभक्त नागरिकांनीं जसें करावयास पाहिजे त्याप्रमाणें चांगला विचार करितील, चांगले झटून एकसारखे परिश्रम करतील व एकनिष्ठेनें मदत करतील, तर, आणि हिंदुस्थानांतील लोक या सर्व गोष्टींचा, त्यांच्यापुढें त्या जशा मांडण्यांत आल्या आहेत तशा दृष्टीनें, नीट विचार करतील आणि खरें व खोटें, खोटे पुढारी व खरे पुढारी, खरी गोष्ट व चळवळ्यांनीं पसरविलेल्या पाल्हाळिक खोट्या गोष्टी, यांमधील भेद ओळखण्याइतके ते स्वतः लायक होतील, तर या सुधारणांमुळें शेवटीं प्राप्त होणाऱ्या पूर्ण स्वराज्याकडे निश्चयानें व यशस्वी रीतीनें हिंदुस्थानची प्रगति होईल. चळवळीमुळें व पक्षापक्षांतील दुहीमुळें प्रगतीस निःसंशय विलंब लागेल. यापेक्षां अधिक व्यापक अधिकार ताबडतोब मिळण्यासाठीं नुसत्या बडबडीनें, भाषणानें व वेडगळ वटवटीनें कांहींही चांगलें निष्पन्न व्हावयाचें नाहीं, पण देशाच्या प्रगतीस मात्र अडथळा होईल. प्रामाणिकपणानें अभ्यास करणें, झटून परिश्रम करणें, एकसारखें ज्ञान संपादन करणें आणि सर्व पक्षांनीं व सर्व जातींनीं मिळून मिसळून एकनिष्ठपणें काम करणें: असें केल्यानेंच मात्र सार्वभौम बादशाहांस व ब्रिटिश लोकांस सुधारणा जशा सफल झाल्या पाहिजेत असें वाटतें तशा रीतीनें त्या सफळ होतील व अशा रीतीनें जबाबदार राज्यपद्धतीचें जें ध्येय इंग्लंडनें हिंदुस्थानापुढें ठेवलें आहे त्या ध्येयाकडे हिंदुस्थानास जाण्यास वेळ फार कमी लागेल.

सरकाराविरुद्ध द्वेषबुद्धि उत्पन्न करण्याचा किंवा लोकांच्या निरनिराळ्या जातींत तंटेबखेडे माजविण्याचा प्रयत्न करणाऱ्या जहाल वक्त्यांना व लेखकांना त्यांच्या नुकसानकारक प्रवृत्तीसंबंधानें यत्किंचितही सबब आतां राहणार नाहीं. पूर्वी या चळवळ्यांनीं आपण स्वदेशभक्तीनें प्रेरित होऊन असें करीत आहों असें सांगितलें आहे. आतां मात्र अशी सबब सांगतां यावयाची नाहीं. यापुढें चळवळ करणें हें अगदीं अप्रासंगिक होईल आणि सरकारची निंदा करणें म्हणजे आज हिंदुस्थानाची प्रगति करणाऱ्या शक्तीचा दुरुपयोग करणें होईल. जो कोणी मनुष्य या प्रगतीस कोणत्याही रीतीनें अडथळा करील तो खरा हिंदी देशभक्त असणें शक्य नाहीं. उलट पक्षीं तो स्वराज्याकडे हिंदुस्थानच्या प्रगतीस मुद्दाम स्वार्थासाठीं विलंब करणारा व तींत अडचणी आणणारा असा एक इसम होईल. खऱ्या हिंदी पुढाऱ्यास व खऱ्या हिंदी देशभक्तास हें समजलें आहे, आणि सगळे किरकोळ लढे व तंटे बाजूस ठेऊन ते सरकारास एकनिष्ठपणें साहाय्य करीत आहेत. सहकारितेमुळेंच ह्या सुधारणा अमलांत आणतां येतील व सार्वभौम बादशहांच्या आपल्या हिंदी प्रजेबद्दलच्या सदिच्छा पूर्ण होतील.

APPENDIX CC.

Statement showing the talukas in Judicial Districts having Civil Courts within their area, the population and the number of villages of each such taluka.

Name of taluka.	Area of each taluka in square miles.	Population of each taluka.	Number of villages in each taluka.	Remarks.
1	2	3	4	5
NORTHERN DIVISION.				
Ahmedabad District.				
Viramgam ...	675	117,415	157	
Dholka ...	690	87,195	124	
Dhandhuka and Gogo ...	1,107 and 224	95,446 and 30,056	152 and 65	
Daskroi (North and South) ...	345	367,490	140	
Kaira District.				
Anand	244	143,468	84*	* The Subordinate Judge's Court is at Umreth : Twelve of these villages are under the jurisdiction of the Subordinate Judge's Court at Nadiad ; 28 under that at Borsad ; 44 under that at Umreth.
Borsad ...	205	14,094	91	
Kapadvanj ...	279	76,730	90	
Matar ...	207	58,705	82	
Nadiad ...	224	133,467	95†	The Subordinate Judge's Court is at Kaira. † Three of these villages are under the Subordinate Judge's Court at Umreth.
Panch Mahals District.				
Dohad and Jhalod ...	607	77,524	122	
		49,893	99	
Kalol ...	415	43,865	68	
Halol ...		46,947	166	
Godhra ...	584	117,466	238	
Broach District.				
Broach ...	291¾	154,833	105	
Ankleshwar ...	153	441,618	57	
Jambusar ...	388	60,644	83	
Wagra ...	348	30,992	70	
Surat District.				
Chorasi ...	116	170,191	77	
Olpad	312	53,394	139	
Bulsar ...	203·5	89,404	95	
Thana District.				
Bhiwandi ...	265	78,654	205	
Murbad ...	352	64,397	173	
Bassein ...	208½	79,979	90	
Salsette (Thana) including Bandra Peta.	241	Salsette— 75,025 Bandra— 78,828	149	
Kalyan ...	275	82,243	256*	* 48 of these are under the Murbad Court and 28 of these are under the Thana Court.
Dahanu ...	485	84,673	134	
Kolaba District.				
Panvel (including Uran Peta)...	271	108,015	279†	† 241 Panvel. 38 Uran Peta. 279
Mahal ...	459	118,514	251	
Roha ...	203	46,327	152	
Pen ...	293	70,016	266	
Alibag ...	189	80,862	205	
CENTRAL DIVISION.				
Ahmednagar District.				
Nagar ...	635	129,109	130	The Courts at Rahuri and Kopargaon, Shevgaon and Newasa and Karjat and Jamkhed are linked Courts.

Name of taluka.	Area of each taluka in square miles.	Population of each Taluka.	Number of villages in each taluka.	Remarks.
1	2	3	4	5
CENTRAL DIVISION—*contd.*				
Ahmednagar District—contd.				
Rahuri ...	493	78,357	116	
Sangamner ...	695	95,451	152	
Kopargaon ...	520	91,490	141	
Nevasa ...	581	84,189	140	
Shevgaon ...	474	77,336	149	
Jamkhed Mahal ...	353	57,936	59	Five villages from Jamkhed are included in the jurisdiction of the Nagar Court.
Karjat ...	571	45,127	82	
Parner ...	733	82,342	117	
Khandesh District.				
Dhulia ...	760	129,147	185+2*	* These are the number of villages included in forest.
Shirpur ...	597	57,642	199+43*	
Nandurbar ...	528	71,681	155+8*	
Chalisgaon ...	521	99,235	143	
Jalgaon ...	319	94,041	111	
Bhusawal ...	321	86,787	130†	† Of these 7 villages are included in the jurisdiction of the Subordinate Judge's Court at Jalgaon.
Yawal ...	368	85,269	111	
Amalner ...	326	85,844	188	
Erandol ...	376	117,183	186	
Nasik District.				
Nasik ...	319	114,817	137	
Niphad ...	407	93,029	121	
Sinnar ...	518	71,628	104	
Yeola ...	410	63,157	120	
Malegaon ...	934	110,532	153	
Satana ...	613	69,056	162	
Poona District.				
Haveli ...	823	338,123	248	
Maval ...	385	68,960	167	
Junnar ...	592	114,871	165	
Khed ...	877	158,648	244	
Sirur ...	560	76,681	103	
Purandhar ...	470	81,065	92	
Bhimthadi ...	1,036	155,105	99	
Satara District.				
Satara ...	339	114,637	152	
Wai (including the Khandala Peta).	390·45	85,919	124	
Karad ...	301	132,531	100	
Patan ...	438	114,601	205	
Koregaon ...	346	78,156	74	
Man ...	629	64,501	78	
Tasgaon ...	323	81,405	49	
Khanapur ...	502	83,921	90	
Walva (including the Shirala Peta).	545	168,090	175	
Sholapur District.				
Sholapur ...	848	189,616	152	
Barsi ...	597	132,925	123	
Madha ...	619	101,096	89	
Karmala ...	772	93,746	123	
Sangola ...	668	82,016	77	
Malsiras ...	574	67,747	69	
Pandharpur ...	478	101,284	86	
SOUTHERN DIVISION.				
Belgaum.				
Belgaum including Chandgod Mahal.	644	136,877	200	
Chikodi ...	494	157,853	98	
Athni ...	779	123,337	82	
Gokak ...	671	128,225	114	
Bail-Hongal ...	409	117,966	124	

Name of Taluka.	Area of each taluka in square miles.	Population of each taluka.	Number of villages in each taluka.	Remarks.
1	2	3	4	5
SOUTHERN DIVISION—*contd.*				
Bijapur District.				
Bijapur ...	869	122,630	102	
Bagalkot (including the Mahal of Bilgi).	683	127,434	174	
Muddebihal ...	564	89,487	154	
Dharwar District.				
Dharwar ...	431	106,456	172	
Hubli ...	311	122,795	93	
Gadag (including Mundargi Petha).	699	95,356 35,384	106	
Kargagi (Haveri) ...	44	95,898	136	
Kanara District.				
Karwar ...	281	59,663	61	
Kumta ...	226	64,476	126	
Honavar ...	292	61,962	129*	*One of these villages named Mallanpur is transferred under the jurisdiction of the Kumta Court.
Sirsi ...	511	47,833	263	
Ratnagiri District.				
Ratnagiri ...	415	149,867	159*	*These include inam villages.
Dapoli ...	330·75	114,326	156*	
Chiplum ...	428·6	123,105	136*	
Sangmeshwar ...	563·9	134,937	205*	
Rajapur ...	620	155,227	210*	
Deogad ...	525·5	148,497	135*	
Malwan ...	238	111,257	64*	
Vengurla ...	64·75	45,443	11*	

APPENDIX DD.

Statement showing the talukas in Judicial Districts having no Civil Courts within their area, together with the area, the population and the number of villages of each such taluka.

Name of Taluka.	Area of each Taluka in Square miles.	Population of each Taluka.	Number of villages.	Remarks.
1	2	3	4	5
NORTHERN DIVISION.				
Ahmedabad District.				
Prantij including Modasa Petha.	447	67,516	171*	* 92 of these villages are within the jurisdiction of the First Class Subordinate Judge's Court, Ahmedabad, 79 villages including 5 villages of Modasa Petha are within the jurisdiction of the Kapadvanj Subordinate Judge's Court.
Sanand ...	360	42,762	86†	† 35 villages are within the jurisdiction of the First Class Subordinate Judge's Court at Ahmedabad. 36 villages of the Subordinate Judge's Court at Dholka. 15 villages of the Subordinate Judge's Court at Viramgam.
Kaira District.				
Mehmedabad ...	151	67,672	62†	† 3 villages at Nadiad. 59 villages at Kaira.
Thasra ...	257	71,588	111	68 villages at Umreth. 43 villages af Kapadvanj.
Broach District.				
Mahal Hansot ...	154	23,848	47†	† These are within the jurisdiction of the Civil Court at Ankleshwar.
Amod ...	176	35,020	53†	† These are within the jurisdiction of the Civil Court at Wagra.
Surat District.				
Bardoli Petha, Mahal Valod.	222	86,349	138†	† These are within the jurisdiction of the Second Class Subordinate Court, Surat.
Mandvi ...	241·43	53,027	169†	† Do. do.
Pardi ...	163	63,606	80†	† These are within the jurisdiction of the Second Class Subordinate Court, Bulsar.
Jalalpur ...	136	75,252	94†	† Do. do.
Chikhli ...	167	62,774	65†	† Do. do.
Kolaba District.				
Mangaon ...	358	84,208	231*	* Out of these 54 are under the Mahad Court and the rest under the Roha Court.
Karjat ...	359	86,224	288	
Thana District.				
Shahapur ...	610	86,196	203	
Karjat ...	144	61,350	164	
Mahim ...	432	92,958	193†	† Out of these 171 are within the jurisdiction of the Dahanu Court and 22 within that of the Bassein Court.
Umbargaon Peta ...	324	80,142	79	
Mokhada Peta ...	205	34,543	69*	* Out of these 25 villages are within the jurisdiction of the Dahanu Court and 44 villages are within the jurisdiction of the Kalyan Court.
CENTRAL DIVISION.				
Ahmednagar District.				
Akola ...	581	75,949	157*	* All these villages are included within the jurisdiction of the Sangamner Taluka Court.
Pathardi ...	369	62,292	70‡	‡ All these villages are included within the jurisdiction of the Shevgaon Taluka Court.
Shrigonda ...	620	65,727	87§	§ 16 villages are within the jurisdiction of the Nagar Court. 23 villages are within the jurisdiction of the Karjat Court. 48 villages are within the jurisdiction of the Parner Court. — 87
Khandesh District.				
Sindkheda ...	505	89,154	166†	† These are included in the jurisdiction of the First Class Subordinate Judge's Court at Dhulia.

Name of Taluka.	Area of each Taluka in square miles.	Population of each Taluka.	Number of Villages.	Remarks.
1	2	3	4	5
CENTRAL DIVISION—*continued.*				
Khandesh District—contd.				
Shahada ...	480	63,409	163+ 22†	† These figures show the number of villages included in forest.
Taloda ...	1,183	47,835	123+166†	
Nawapur ...	627	52,332	139+ 8†	All these villages are included in the jurisdiction of the Subordinate Judge's Court, Nandurbar.
Sakri ...	759	64,523	142+ 2†	
Raver ...	361	80,298	(a) 129	(a) 94 villages are included in the jurisdiction of the Subordinate Judge's Court, Yawal. 35 villages are included in the jurisdiction of the Subordinate Judge's Court, Bhusawal.
Chipada ...	369	82,693	(b) 133½	(b) 51 villages are included in the jurisdiction of the Subordinate Judge's Court, Yawal. 79 villages are included in the jurisdiction of the Subordinate Judge's Court, Shirpur.
Parola ...	306	44,937	(c) 141	(c) 108 villages are included in the jurisdiction of the Subordinate Judge's Court, Amalner. 33 villages are included in the jurisdiction of the Subordinate Judge's Court, Erandol.
Pachora ...	317	75,944	(d) 151	(d) All villages are included in the jurisdiction of the Subordinate Judge's Court, Chalisgaon.
Jamner ...	525	98,323	(e) 197	(e) 190 villages are included in the jurisdiction of the Subordinate Judge's Court, Jalgaon. 7 villages are included in the jurisdiction of the Subordinate Judge's Court, Bhusawal.
Edlabad (Peta) ...	249	39,833	(f) 114	(f) All villages are included in the jurisdiction of the Subordinate Judge's Court, Bhusawal.
Bhadgaon ...	187	44,504	(g) 68	(g) All villages are included in the jurisdiction of the Subordinate Judge's Court, Chalisgaon.
Nasik District.				
Chandor ...	370	56,604	109†	† Within the jurisdiction of the Pimpalgaon and Yeola Courts.
Dindori ...	593	75,098	(h) 128	(h) Within the jurisdiction of the Pimpalgaon and Nasik Courts.
Igatpuri ...	456	78,814	(a) 130	(a) Within the jurisdiction of the Nasik and Sinnar Courts.
Kalwan ...	522	65,646	(b) 193	(b) Within the jurisdiction of the Nasik and Satana Courts.
Nandgaon ...	446	44,916	(c) 93	(c) Do. Malegaon Court.
Peint ...	436	61,733	(d) 245	(d) Do. Nasik Court
Poona District.				
Indapur ...	567	78,059	(e) 89	(e) Do. Baramati Court.
Satara District.				
Javli (Medha) neluding the Malcolmpeth Peta).	170	31,000	143	Part of the Javli Taluka is within the jurisdiction of the First Class Subordinate Judge's Court, Satara, and part within the jurisdiction of the Subordinate Judge's Court at Wai.
	157·83	24,82	109	
Khatao ...	501·71	69,221	87	The Khatav Taluka is partly under the Rahimatpur and partly under the Dahiwadi Courts in the Koregaon and Man talukas, respectively.
SOUTHERN DIVISION.				
Belgaum District.				
Khanapur ...	633	72,301	219	Included within the jurisdiction of Subordinate Judge's Court at Belgaum.
Hukeri ...	343	110,061	116	Included within the jurisdiction of Subordinate Judge's Court at Gokak. It is proposed to open a new court at Hukeri shortly.
Saundatti ...	640	102,197	121	Included within the jurisdiction of the Subordinate Judge's Court at Gokak.

Name of Taluka.	Area of each Taluka in Square Miles.	Population of each Taluka.	Number of Villages.	Remarks.
1	2	3	4	5
SOUTHERN DIVISION —*continued.*				
Bijapur District.				
Indi ...	871	98,829	122	Within the jurisdiction of the Bijapur Court.
Sindgi ...	612	96,084	150	Do. do.
Badami ...	676	108,202	182	Do. Bagalkot Court.
Hungund ...	518	110,581	169	Do. do.
Bagewadi ...	764	109,726	121	Do. Muddebihal Court.
Dharwar District.				
Navalgund (including Nargund Petha).	565	62,821 25,995	95	Within the jurisdiction of the Dharwar Court.
Kalghatgi ...	276	46,454	131	Do. do.
Halyal (including Supa Petha, Kanara District).	1,056	28,356 18,611	64	Do. do.
Bankapur ...	344	77,111	163	Do. Hubli Court.
Ron ...	433	93,067	59	Do. Gadag Court.
Hangal ...	300	70,882	176	Do. Haveri Court.
Ranebennur ...	405	96,441	132	Do. do.
Kod ...	400	96,345	189	Do. do.
Kanara District.				
Ankola ...	355	39,000	87*	* 56 are under the jurisdiction of the Karwar Civil Court and the rest under the jurisdiction of the Kumta Court.
Bhatkal ...	135	33,458	70†	† These do. do. Honavar Court.
Siddapur ...	332	37,479	193‡	‡ 31 do. do. do. 162 do. do. Sirsi Court.
Yellapur ...	502	20,314	(a) 135	(a) 114 do. do. do. 4 do. do. Kumta Court. 17 do. do. Karwar Court.
Mundgod Petha ...	258	14,396	(b) 111	(b) These do. do. Sirsi Court.
Haliyal ...	428	28,356	(c) 154	(c) These do. do. Dharwar First Class Civil Court.
Supa (Petha) ...	630	18,611	(d) 121	(d) These do. do. Karwar First Class Civil Court. 16 other villages of this Petha are under the jurisdiction of the Civil Court at Dharwar.
Ratnagiri District.				
Khed ...	391·9	101,529	(a) 151*	* These include inam villages. (a) Half of these villages are within the jurisdiction of the Dapoli Court. Half do. Chiplun Court.
Mandangad Peta ...	169	45,420	(b) 98†	(b) These are within the jurisdiction of the Dapoli Court.
Guhagar Peta ...	242	74,030	(c) 81‡	(c) 65 do. do. Chiplun Court. 10 do. do. Deorukh Court. 6 do. do. Ratnagiri First Class Court.

APPENDIX EE.

Statement of expenditure incurred on Boring operations under the Sanitary Engineer to Government from 1911-12 to 1918-19.

Year.	Pay and travelling allowance of the Executive Engineer, Boring Works, and his office Establishment.	Tools and plant including machinery and piping purchased in India and England.	Total.	Remarks.
	Rs. a. p.	Rs. a. p.	Rs. a. p.	
1911-12	17,419 1 6	1,03,785 14 4	1,21,275 15 10	
1912-13	13,317 11 5	1,297 7 0	14,615 2 5	
1913-14	23,836 7 11	53,244 13 1	77,081 5 0	
1914-15	18,632 2 1	6,367 1 11	24,999 4 0	
1915-16	29,493 3 0	1,17,974 0 0	1,47,467 3 0	
1916-17	19,668 0 6	41,137 0 0	60,805 0 6	
1917-18	17,249 14 8	12,198 0 0	29,447 14 8	
1918-19	21,546 5 8	18,342 0 0	39,888 5 8	
Grand Total ...	1,61,233 14 9	3,54,346 4 4	5,15,580 3 1	

NOTE.—Piping costing Rs. 55,069 is on hand on stock account at the end of 1919.

APPENDIX FF.

STATEMENT B.

Statement of bores taken during the years 1911 to 1919.

Number. 1	Name of works. 2	Depth reached in feet. 3	Quantity of water per minute. 4	Expenditure *exclusive of cost of piping used.* 5	Remarks. 6
	Successful.				
1	Sabarmati Jail boring ...	176′	50 gallons by pumping.	Not available ...	The water is in use for drinking purposes by the jail population.
2	Boring work at Viramgam.	383′	50 gallons ...	9,647	The water is not found sufficient in quantity and better in quality and the second bore was undertaken.
3	Kharaghoda New Agar bore.	210′	500 „ ...	4,911	The water was stopped due to the water being found saltish.
4	Making second bore at Viramgam.	776′	225 „ ...	5,576	The artesian supply was met and the scheme of water-supply for Viramgam town is based on this water. The scheme is under preparation by the Executive Engineer, Northern Sanitary District.
5	Third bore at Kharaghoda.	320′	400 „ ...	6,780	The water is used for drinking purposes and for irrigation by the Salt Department.
6	Making a bore at Udoo ...	273′	230 „ ...	6,353	The water is used for drinking purposes by the Udoo people.
7	Making 7″ bore in the well at Sabarmati.	185′	12 „ ...	1,641	This is used for drinking purposes and the present scheme for water-supply for jail is based on this supply.
8	Making a bore for Nadiad High School at Nadiad.	920′	75 gallons by pumping.	8,979	This is used for outdoor purposes by the Hostel people.
	Statement of unsuccessful bores during 1909 to 1919.				
9	Making second bore at Udoo.	550′	Nil ...	5,296	This is abandoned due to the 8″ pipe being damaged.
10	Boring at Kelva Mahim ...	220′	25 gallons by pumping.	Not available ...	The supply of water was early exhausted.
11	Boring at Kharaghoda ...	220′	250 gallons ...	4,911	This was abandoned due to the pipe being choked up by the flowing sand in the bore hole.
12	Boring at Broach ...	1,583′	Nil ...	₹3,665	This is abandoned as the pipe could not be driven further and the strata of sea water were met.
13	Boring work at Dholera ...	610′	Nil ...	9,560	This is abandoned as the pipe could not be driven further by F-1 plant.
14	Making second bore at Dholera.	550′	Nil ...	8,723	This is abandoned due to the pipe being damaged owing to unforeseen difficulties.
15	Boring work at Gogho ...	430′	Nil ...	4,681	This is abandoned as the pipe could not be driven further by G. O. Hand Machine.
16	Making a bore at Saragwalla.	Nil	Nil ...	Nil	The work is not undertaken at the suggestion of the Commissioner, Northern Division, but the pipe charged is being used at Bavla boring which is in progress.
17	Making bore in the well of Vaccine Institution at Belgaum.	100′	Nil ...	(*b*) 655	Yielded no supply of water due to trap rock being met.
18	Making bore at Ranebennur.	328′	Nil ...	(*b*) 10,037	This is abandoned pending receipt of heavier tools.
19	Making bore in the well at Khandala, District Satara.	100′	Nil ...	(*b*) 618	Yielded no supply of water due to the trap rock being met.
20	Boring at Wadgam near Ahmednagar.	200′	Nil ...	(*b*) 2,172	Do. do.
21	Boring at Kaira ...	368′	Nil ...	4,333	This is abandoned due to the pipe being damaged.

(*b*) Being in rock piping was not used.

Number.	Name of works.	Depth reached in feet.	Quantity of water per minute.	Expenditure *exclusive of cost of piping used.*	Remarks.
1	2	3	4	5	7
	Statement of bores taken for testing the water conditions.				
22	Borings at Mahabaleshwar.	123′	.....	866 (*a*) ...	Yielded the information required.
23	Making three borings at Dakor.	20′ each bore.	.....	500 (*a*) ...	Do. do.
24	Making test bores in the Mesri at Godhra.	571′ 28 (in all).	...	678 (*a*) ...	Do, do.
25	Making borings at Mugutkhan Hubli.	279′ (4 Nos.)	.....	See foot-note* ...	Do, do.
26	Making boring at Ranebennur.	.....	.....	Do. ...	Do. do.
27	Making borings at Mora...	39′ (1 No.)	.....	Do. ...	Do. do.
28	Making borings at Natambi.	.....	.....	Do. ...	Do. do.
29	Making borings at Vir ...	.....	.....	Do. ...	Do. do.
30	Making borings at Kapadvanj.	105′ (4 Nos.)	.....	Do ...	Do. do.
31	Making borings at Parola.	237′ (8 Nos.)	.....	Do. ...	Do. do.
32	Making borings for Bombay Back-Bay reclamation.	378′ (22 Nos.)	.....	Do. ...	Do. do.
33	Making borings at Shikarpur, Sind.	.....	.....	Do. ...	Do. do.
34	Making borings at Jalgaon.	66′ (1 No.)	.....	Do. ...	Do. do.
35	Making borings at Pandharpur.	.....	.....	Do. ...	Do. do.
36	Making borigns at Sholapur.	.....	.....	Do. ...	Do. do.
37	Making borings at Lonavla.	.....	.....	Do. ...	Eighty bores were taken on the Walwan Dam to grout cement and stopped the leakage from the dam.
	Statement of boares in progress and depth reached to end of November 1919.				
38	Making third bore at Dholera.	885′	342 gallons.	14,042	The water is not good in taste; it is proposed to go 1,200 feet deep with a view to obtain better quality of water.
39	Making third bore at Gogho.	459′	.....	4,190	The work stopped temporarily pending the completion of Dholera third bore.
40	Making second bore at Kaira.	991′	.....	18,893	The work is in progress.
41	Making bore at Bavla ...	604′-6″	.....	9,790	Do.
42	Boring work at Nadiad ...	365′	.....	5,654	Do.
43	Making trial bores at Jalgaon.	58′ (4)	.....	336 (b)	Do.

* The expenditure on these items was not incurred from the funds at the disposal of the Sanitary Engineer's office, for working boring plant.

(*a*) Cost of piping has not been entered in the register of works separately, the work being a minor work. The cost is roughly estimated and excluded out of the total charge.

(*b*) Being in rock piping was not used.

APPENDIX GG.

AGREEMENT made the thirteenth day of February One thousand nine hundred and thirteen BETWEEN WILLIAM CLAXTON DOORIS of 120 West 11th Street New York U. S. A. of the first part and THE SECRETARY OF STATE FOR INDIA IN COUNCIL of the second part.

WHEREAS the Secretary of State for India in Council has engaged the party of the first part to serve His Majesty in India as Engineer for managing deep borings for artesian Water supplies in the Bombay Presidency for the term of Five years from the date of his reporting his arrival at Bombay as hereinafter mentioned and subject to the conditions and agreements hereinafter contained.

1. THAT the party of the first part will be reimbursed the cost of his journey from New York to London and will be entitled to a subsistence allowance of Ten pounds per week from the date of his sailing from New York up to the date of his reporting his arrival at Bombay.

2. THAT the party of the first part will on being provided with a first class passage to Bombay proceed thither within such time as may be prescribed by the Secretary of State for India in Council.

3. THAT the party of the first part will on arrival at Bombay forthwith report himself to the Officers of Government there and will submit himself to the Orders of the Government and of the officers and authorities under whom he may from time to time be placed by the Government and that he will at all times obey the rules prescribed for the time being for the regulation of the branch of the public service to which he may belong.

4. THAT the party of the first part will devote his whole time to the duties of the service and will not engage directly or indirectly in any trade business or occupation on his own account and that he will not (except in case of accident or sickness certified by competent medical authority) absent himself from his said duties without having first obtained permission from the Government or its authorised officers.

5. THAT if the party of the first part shall during the said term of five years relinquish the service of the Government (whether after having given notice or otherwise) except in consequence of ill-health certified to the satisfaction of Government he shall unless the Government shall have previously consented to such relinquishment forthwith on demand pay to the Secretary of State for India in Council the cost of his passage to Bombay.

6. THAT from the date of the party of the first part reporting his arrival at Bombay the Government will pay him so long as he shall remain in the said service and actually perform his duties a salary at the rate of Rs. 700 per mensem for the first year and Rs. 800 per mensem for the remaining four years. He shall not be entitled to House allowance or free quarters nor to Exchange compensation allowance nor to any pension or gratuity on retirement.

7. THE party of the first part shall while on duty in India and during the period of his engagement be entitled to such travelling allowance as is payable to Executive Engineers under the Civil Service Regulations for the time being in force and travelling allowances on the same scale shall also be payable to him in respect of his journeys (1) from Bombay to his station on first joining the appointment and (2) from his station to his port of embarkation if and when he leaves India under circumstances which entitle him to the grant of a passage to New York as specified in Clause 9 of this agreement.

8. THAT the Government may at any time during the said term of five years dispense with the services of the party of the first part without notice in the event of misconduct on his part or of a breach by him of any of the conditions herein specified.

9. THAT on the determination of the service at the expiration of the said term of five years or if prior to the expiration of the said term of five years the service shall be determined by the Secretary of State for India in Council or by the Government in India under the provisions of Clause 10 of these presents and if the party of the first part shall quit the same in India the Government will provide him with a first class passage back to New York at the public expense provided he claims such passage within three months from any such determination of the service as is mentioned in this Clause and leaves India on his return to New York within such time as he may be directed.

10. THAT it shall be lawful for the Secretary of State for India in Council or for the Government prior to the expiration of the said term of five years if satisfied on the medical evidence before him or it (as the case may be) that the party of the first part is unfit and is likely for a considerable period to continue unfit by reason of ill-health for the discharge of his duties in India to determine the service under these presents (the decision of the Secretary of State for India in Council or the Government being conclusive) and thereupon his services shall be terminated.

11. THAT the party of the first part shall within two years after his reporting his arrival at Bombay pass such examination as may be prescribed by the Government in one of the vernacular languages and if he shall fail to do so the Government may dispense with his services.

12. THAT this Agreement shall be terminable at any time by either party giving to the other three months' previous notice in writing.

13. THAT the party of the first part shall be entitled to leave according to the provisions of paragraph 395 of the Public Works Code and of Article 826 of the Civil Service Regulations.

14. THAT in any payments which may be made in Great Britain under these presents the rate of Exchange between England and India fixed from time to time by the Secretary of State for India in Council in communication with the Lords Commissioners of the Treasury shall be observed.

IN WITNESS whereof the party of the first part and Sir Steyning William Edgerley, K.C.V.O., and Abbas Ali Baig, Esquire, C.S.I., being two members of the Council of India have hereunto set their hands the day and year first above written.

SIGNED by the party of the first part in the presence of } WILLIAM C. DOORIS.

FRANK R. MARTEN,
India Office.

SIGNED by the said two members of the Council of India in the presence of } S. W. EDGERLEY.
ABBAS ALI BAIG.

FRANK R. MARTEN.

APPENDIX HH.

STATEMENT C.

Statement showing consultation fees received by W. C. Dooris, Esq., Executive Engineer in charge Boring Works, from December 1918 to November 1919 from States.

Name of State.	December 1918.	January 1919.	February 1919.	March 1919.	April 1919.	May 1919.	June 1919.	July 1919.	August 1919.	September 1919.	October 1919.	November 1919.	Total.
						Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
Lakhtar	.....	.....	.....	.....	.....	.....	.....	138 8 2	.....	.....	.....	.....	138 8 2
Zainabad	.....	.....	.....	.....	.....	.....	.....	221 2 2	.....	.....	.....	.....	221 2 2
Palitana	.....	.....	.....	.....	.....	.....	.....	148 12 2	77 10 1	.....	.....	.....	226 6 3
Wadwan	.....	.....	.....	.....	.....	414 7 6	179 2 8	363 2 4	229 6 2	130 0 0	236 14 2	202 8 0	1,755 8 10
Rajkot	.....	.....	.....	.....	.....	.....	.....	.....	.....	151 12 2	.....		151 12 2
Total ...	.....	.....	.....	.....	.....	414 7 6	179 2 8	871 8 10	307 0 3	281 12 2	236 14 2	202 8 0	2,493 5 7

Government of Bombay.

FINANCIAL DEPARTMENT.

MEMORANDUM PRESENTING THE BUDGET FOR 1920-21.

With reference to No. 29 (1) of the rules for the discussion of the annual Financial Statement, I present the Budget of the Presidency for 1920-21 as finally sanctioned by the Government of India.

The preliminary estimates of Provincial revenue and expenditure embodied in the Revised Financial Statement for 1920-21 as modified by the memorandum issued from the Financial Department on 12th March 1920 have been finally accepted by the Government of India without any modifications. The Chief Secretary's memorandum which was printed as Part III of the Revised Financial Statement has been brought up to date and forms Part II of the budget statement. The figures in appendices A and B have also been brought up to date.

The budget proposals were explained on presentation of the Revised Financial Statement in March last and as there has been no alteration in the figures, the only important matter that need be referred to now is as regards the revision of the pay of establishments, how the revision proposals stand and how their introduction will affect the budget for 1920-21. In March last it was stated that the provision of 20 lakhs under the Land Revenue head and of 27 lakhs under specific heads for revision of the pay of establishments might be found insufficient. Practically all the establishment proposals either have been sanctioned or are undergoing examination preparatory to sanction and it is possible now to calculate more closely what the total requirements will be. The estimate, including other emergent requirements not foreseen at the time of the budget, exceeds the total provision of 47 lakhs mentioned above by another 47 lakhs. To meet this essential expenditure, it will be necessary, in view of the already large draft on provincial balances which the budget proposals involve, to postpone expenditure on other less urgent proposals which are included in the budget. A close scrutiny is being made to ascertain what reductions can be made without grave inconvenience.

G. CARMICHAEL.

PART

Balance statement of proposed Receipts and Charges for 1920-21, the Accounts

Heads of Revenue.	Accounts, 1918-19.	Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
1	2	3	4	5
I LAND REVENUE—				
Provincial share	1,67,08	2,17,00	2,35,00	2,44,20
Alienations	94,81	95,47	94,37	94,41
IV STAMPS	58,77	61,00	78,50	82,50
V EXCISE	3,78,27	3,95,00	3,98,00	4,30,00
VIII INCOME TAX	1,27,07	1,22,45	1,70,00	1,85,00
IX FOREST	1,04,94	80,50	96,50	90,00
X REGISTRATION	11,42	11,50	13,00	13,00
XII INTEREST	7,45	9,43	14,25	17,70
XVI-A LAW AND JUSTICE—				
Courts of Law	9,13	9,50	10,00	9,80
XXI-B LAW AND JUSTICE—				
Jails	4,24	3,50	4,00	3,50
XVII POLICE	1,09	1,00	1,30	1,23
XVIII PORTS AND PILOTAGE	1,73	2,11	2,11	2,24
XIX EDUCATION	5,95	5,98	5,85	6,05
XX-A MEDICAL	4,80	4,61	4,80	4,90
XX-B SANITATION	13	19	15	19
XXI-A AGRICULTURE	2,87	2,08	3,68	2,85
XXI-B SCIENTIFIC AND MISCELLANEOUS DEPARTMENTS.	1,12	1,22	2,00	1,35
XXII RECEIPTS IN AID OF SUPERANNUATION, ETC.	5,77	5,20	7,20	7,20
XXIII STATIONERY AND PRINTING	1,97	2,00	2,00	1,90
XXV MISCELLANEOUS	2,18	2,16	2,75	2,03
XXIX IRRIGATION—MAJOR WORKS—				
Portion of Land Revenue due to Irrigation.	9,78	13,00	12,50	13,30
Direct Receipts	6,26	8,50	10,00	10,02
XXX IRRIGATION—MINOR WORKS—				
Public Works Department	1,78	1,80	2,00	1,95
XXXI CIVIL WORKS—				
Civil Department	5	5	5	5
Public Works Department	4,49	4,00	7,10	6,50
Transfers between Imperial and Provincial Revenues.	−9,35	−20,98	−41,41	−57,92
Total ...	10,03,80	10,38,27	11,35,70	11,73,95
Opening Balance ...	3,91,96	4,55,26	4,40,70	4,83,08
Grand Total ...	13,95,76	14,93,53	15,76,40	16,57,03

I.

embodying also the Revised and Budget Estimates for 1919-20 and for 1918-19.

[Figures in thousands of rupees.]

Heads of Expenditure.	Accounts, 1918-19.	Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
1	2	3	4	5
1 REFUNDS	8,29	13,58	20,40	18,40
2 ASSIGNMENTS AND COMPENSATIONS—				
Cash	18,02	17,44	17,72	28,52
Alienations	83,48	84,17	83,22	83,27
3 LAND REVENUE—				
Cash	94,59	96,19	1,00,83	1,37,23
Alienations	7,37	7,37	7,30	7,29
6 STAMPS	1,71	1,61	1,61	1,65
7 EXCISE	12,99	14,52	15,50	34,08
10 INCOME TAX	1,42	2,16	2,16	2,75
11 FOREST	78,72	41,43	64,00	54,77
12 REGISTRATION	4,85	4,82	5,17	5,07
13 INTEREST ON ORDINARY DEBT	7,08	9,47	12,14	15,06
18 GENERAL ADMINISTRATION	22,61	23,05	26,73	26,36
19-A LAW AND JUSTICE—				
Courts of Law	61,63	63,03	64,50	66,99
19-B LAW AND JUSTICE—				
Jails	20,07	18,04	26,00	23,81
20 POLICE—				
Cash	1,15,38	1,41,39	1,45,00	1,63,84
Alienations	3,96	3,93	3,85	3,85
21 PORTS AND PILOTAGE	1,28	1,65	1,43	1,89
22 EDUCATION	1,07,65	1,32,06	1,24,60	1,48,80
24-A MEDICAL	25,31	36,17	35,06	51,39
24-B SANITATION	8,16	23,10	11,22	28,77
25 POLITICAL	5,70	5,55	6,05	6,23
26-A AGRICULTURE	18,55	22,85	21,10	29,31
26-B SCIENTIFIC AND MISCELLANEOUS DEPARTMENTS.	4,57	9,30	6,25	11,37
29 SUPERANNUATION ALLOWANCES AND PENSIONS.	43,24	45,43	44,49	46,21
30 STATIONERY AND PRINTING	17,80	19,87	19,07	19,80
32 MISCELLANEOUS	16,62	11,13	9,20	12,32
33 FAMINE RELIEF—				
Civil	6,80	15,00	11,80	...
Public Works				
42 IRRIGATION—MAJOR WORKS—				
Working Expenses	9,54	8,75	10,16	9,32
Interest	14,04	14,74	14,56	15,20
43 IRRIGATION—MINOR WORKS—				
Civil Department	1	1	14	13
Public Works Department	15,55	17,29	19,40	25,06
45 CIVIL WORKS—				
Civil Department...	9,56	16,90	18,66	17,20
Public Works Department	1,08,51	1,30,00	1,44,00	1,71,75
Total ...	9,55,06	10,52,00	10,93,32	12,67,69
Closing Balance ...	4,40,70	4,41,53	4,83,08	3,89,34
Grand Total ...	13,95,76	14,93,53	15,76,40	16,57,03
Surplus ...	48,74	...	42,38	...
Deficit ...	...	13,73	...	93,74

P. J. MEAD,
Chief Secretary to Government.

PART II.

Memorandum explanatory of the figures under each Major Revenue head and under each Major Expenditure head of account.

Introductory.

1. The conditions of Provincial finance are determined by the terms of an administrative arrangement subsisting between the Government of India and the Local Government and known as the Provincial Settlement. The revenue and expenditure of the province as classified in the public accounts are divided between the two Governments in accordance with the terms of this settlement.

With effect from the 1st April 1911 this Provincial Settlement, which had hitherto been subject to change, was made permanent subject to the following conditions :—

(1) It shall not be subject to revision in the future, except by way of commuting fixed assignments into growing revenue ;

(2) in case of serious famine the question of assistance from Imperial revenues will be duly considered by the Government of India ;

(3) in special cases where the Local Government are unable to meet their requirements from their current revenues or by drawing on their balances, they should take the necessary amount as a short interest-bearing loan from the Government of India repayable in suitable instalments ; and

(4) the Government of India reserve the right to call for assistance from Provincial revenues in case of serious embarrassment in their own finances.

At the same time Excise and Forest revenue and expenditure, which had hitherto been divided, were made wholly Provincial.

2. The present statement does not deal with the heads which are wholly Imperial. The following table shows the several heads of revenue and expenditure which are divided between Imperial and Provincial :—

Revenue.			Expenditure.		
Major heads.	Imperial share.	Provincial share.	Major heads.	Imperial share.	Provincial share.
1	2	3	4	5	6
I. LAND REVENUE— All minor heads except Assessment of alienated land, which is wholly Provincial ...	One-half	One-half	1. REFUNDS AND DRAWBACKS.	The share in the minor heads under this major head follows that of the corresponding major heads of receipts.	
			2. ASSIGNMENTS AND COMPENSATIONS ...		
IV. STAMPS ...	One-half	One-half	6. STAMPS ...	One-half	One-half.
VIII. INCOME-TAX— All minor heads except Tax on Surplus Profits of Railway Companies, Super Tax and Excess Profit Duty, which are treated as wholly Imperial ...	One-half	One-half	10. INCOME-TAX ...	One-half	One-half.
XXIX. MAJOR IRRIGATION WORKS ...	One-half	One-half	33. FAMINE RELIEF...	Three-fourths	One-fourth.
XXX. MINOR IRRIGATION WORKS ...	One-half	One-half	42. MAJOR IRRIGATION WORKS ...	One-half	One-half.
			43. MINOR IRRIGATION WORKS ...	One-half	One-half.

The remaining heads dealt with in this statement are wholly Provincial.

3. The figures throughout represent thousands of rupees except where the context shows otherwise.

1. & 3. Land Revenue.

Revenue.

	Accounts.			Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	1916-17.	1917-18.	1918-19.			
Ordinary Revenue ...	4,46,78	4,21,45	3,50,58	4,58,00	4,92,00	5,13,00
Miscellaneous ...	2,12	2,69	3,14	2,00	3,00	2,00
Total shared ...	4,48,90	4,24,14	3,53,72	4,60,00	4,95,00	5,15,00
Deduct—Portion of Land Revenue due to irrigation ...	29,09	26,74	19,56	26,00	25,00	26,60
Net Total shared ...	4,19,81	3,97,40	3,34,16	4,34,00	4,70,00	4,88,40
Provincial share ...	2,09,90	1,98,70	1,67,08	2,17,00	2,35,00	2,44,20
Assessment of alienated lands less quit-rents ...	92,17	94,14	94,81	95,47	94,37	94,41
Total Provincial ...	3,02,07	2,92,84	2,61,89	3,12,47	3,29,37	3,38,61

Expenditure.

	Accounts.			Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	1916-17.	1917-18.	1918-19.			
Charges of District Administration ...	39,59	41,10	50,65	48,18	53,43	82,65
Survey and Settlement ...	1,19	96	1,31	1,44	1,55	1,62
Land Records ...	29,12	28,54	36,24	40,07	38,70	40,21
Allowances to District and Village officers ...	12,68	13,75	13,76	13,87	14,45	13,54
Lump provision for charges in connection with the Reforms Scheme ...	...	...	...	...	...	7,50
Lump deduction for probable savings ...	...	...	...	...	...	—1,00
Total ...	82,58	84,35	1,01,96	1,03,56	1,08,13	1,44,52

Revenue.

4. *Ordinary Revenue.*—The budget estimate for last year postulated normal conditions. The revised estimate anticipated a good harvest and the budget for 1920-21 took into account the suspended arrears and allowed for additional collections on the basis of experience in other post-famine years. The figures of the estimated demand, collections, remissions and suspensions of ordinary revenue for the years 1919-20 and 1920-21 are given below :—

	1919-20 (Revised).		1920-21 (Budget).	
Outstanding balance ...	1,47,03		87,14	
Demand ...	4,44,39		4,65,70	
		5,91,42		5,52,84
Collections ...	4,92,00		5,13,00	
Remissions ...	12,28		8,03	
		5,04,28		5,21,03
Balance { Supensions ...	51,30		2,38	
Balance { Arrears ...	35,84		29,43	
		87,14		31,81

Expenditure.

5. *Charges of District Administration.*—The increase in the revised estimate is caused mainly by larger expenditure on service postage, telegrams and other contingencies and works in connection with the development of Salsette. The increase in the budget for 1920-21 as compared with the budget for 1919-20 is due chiefly to the provisions made for the following items:—

(*a*) Lump provision for the revision of the pay of subordinate establishments of *all* departments	20,00
(*b*) The Bombay development Department	5,00
(*c*) Revision of the pay of Indian Civil Service Officers ...	2,50
(*d*) Revision of the pay of Deputy Collectors, Mamlatdars and Mukhtyarkars	2,05
	29,55

Item (*a*) needs little explanation but it may be noted that provision is made under *specific* heads in respect of schemes of revision which were under the consideration of Government at the time of framing the first edition of the budget, and a lump sum of 20,00 is shown under this head for other schemes.

Item (*b*).—It is proposed to establish a Directorate of Development with large powers to undertake schemes for the development of "Greater Bombay" and to co-ordinate the work of local authorities and public bodies. Pending issue of orders regarding the constitution of the proposed directorate and its precise powers, a lump provision of 5,00 is made to meet expenses in connection with the working of the Department.

6. *Allowances to District and Village Officers.*—The increase in the revised is due chiefly to the grant of extra allowances to village officers for famine duty.

7. For work connected with the Reforms Scheme, a lump provision of 7,50 is made in the budget for 1920-21 as shown below :—

District electoral rolls	3,00
District election expenses	1,00
Miscellaneous	50
Bombay City	1,00
Printing	1,00
Head Office	1,00
Total ...	7,50

IV. & 6. Stamps.

* *Revenue.*

	Accounts.			Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	1916-17.	1917-18.	1918-19.			
Sale of General Stamps ...	44,44	51,23	60,97	65,00	86,50	90,50
Sale of Court Fee Stamps ...	50,48	46,51	52,88	52,96	64,88	70,00
Duty on impressing documents	2,16	3,49	3,27	3,50	4,22	4,00
Fines and penalties ...	30	26	39	50	40	40
Miscellaneous	27	4	2	4	1,00	10
Total ...	97,65	1,01,53	1,17,53	1,22,00	1,57,00	1,65,00
Provincial one-half share ...	48,82	50,76	58,77	61,00	78,50	82,50

* This head is not open to discussion.

Expenditure.

	Accounts.			Budget estimate, 1919-20.	Revised estimate 1919-20.	Budget estimate, 1920-21.
	1916-17.	1917-18.	1918-19.			
Superintendence	1,08	1,59	1,63	1,64	1,34	1,40
Charges for the sale of General Stamps	1,06	1,10	1,31	1,10	1,41	1,40
Charges on sale of Court Fee Stamps	20	20	21	20	21	21
Stamp and plain paper supplied from Central Stores ...	25	24	26	28	26	29
Total ...	2,59	3,13	3,41	3,22	3,22	3,30
Provincial one-half share ...	1,30	1,57	1,71	1,61	1,61	1,65

Revenue.

8. The receipts represent the share of sale proceeds of unified stamps, the sale proceeds of bills of exchange and other general stamps, and of court fee stamps, duty on embossing receipt, cheque and other stamps, duty levied on documents voluntarily brought for adjudication and on documents unstamped or insufficiently stamped and fines and penalties levied under the Indian Stamp Act, 1899, on instruments not duly stamped.

The increases in the revised estimate for 1919-20 and in the budget estimate for 1920-21 over last year's budget reflect commercial activity.

Expenditure.

9. *Superintendence.*—The decrease in the revised estimate as compared with last year's budget is due to smaller expenditure on account of packing and conveyance charges of post cards supplied from Calcutta. No provision on account of these charges is made in the butget estimate for 1920-21 which allows 9 for the revision of the establishment of the Central Stamp Depôt, Karachi.

V. & 7. Excise.

Revenue.

	Accounts.			Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	1916-17.	1917-18.	1918-19.			
License and distillery fees and duties for the sale of liquors and drugs	2,32,10	2,89,62	3,42,29	3,59,40	3,60,30	3,91,50
Gain on sale-proceeds of excise opium and other drugs	16,80	18,80	22,76	22,50	22,50	22,75
Duty on Ganja ...	10,89	10,72	12,54	12,50	14,62	15,10
Fines, confiscations and miscellaneous ...	72	68	68	60	58	65
Total ...	2,60,51	3,19,82	3,78,27	3,95,00	3,98,00	4,30,00

Expenditure.

—	Accounts.			Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	1916-17.	1917-18.	1918-19.			
Presidency establishment ...	1,62	1,54	1,65	1,46	1,74	1,53
District Executive establishment.	9,62	9,60	11,34	13,06	13,76	32,55
Total ...	11,24	11,14	12,99	14,52	15,50	34,08

Revenue.

10. *License and distillery fees, etc.*—There has been a steady increase of revenue under this head due mainly to the successive enhancements of rates of still head duty on country spirits. The increase received a slight check in the year 1914-15 from the disturbance of economic conditions caused by the war, but there has been a marked recovery since 1916-17. The open auction system coupled with the abolition of the maximum selling prices for country spirit, toddy and opium was introduced in the year 1918-19, and has led to a further increase of receipts in the form of vend fees. A review of the figures showing the growth of the excise revenue as well as the consumption of country spirit during the ten years ending 1918-19 shows that—

(i) the average yearly consumption of country spirit in thousands of proof gallons was 27,00 during the five years ending 1913-14 while during the five years ending 1918-19 it was 26,40—or a decline of 2·2 per cent.;

(ii) the average revenue for the first period was 1,99,80 while for latter period it was 2,80,29 or an increase of 40 per cent.

It is clear that the objects which Government set before them of securing a mixmum revenue, while at the same time restricting consumption by high rates of taxation, have been successfully achieved.

11. *Gain on sale-proceeds of excise opium.*—This Presidency is supplied with Ghazipur opium at a price of Rs. 13 per seer, which is credited to imperial revenues under the head II, Opium. The gross sale-proceeds *less* the cost price are credited to Provincial revenues under this head. The rentals derived from opium shops are, however, credited to the head *License and distillery fees, etc.*

12. *Duty on Ganja.*—The rate of this duty which stood at Rs. 15 per seer has been increased to Rs. 17½ from 1st April 1920. With effect from the same date the duty on *charas* has been raised from Rs. 30 to Rs. 40 per seer. These increases apply to the whole of the Bombay Presidency. The rate of duty on *bhang* in the Presidency proper and Aden, *viz.*, Rs. 2-8-0 per seer, remains unaltered but the Sind rate, which was Re. 1, has been increased to Rs. 1-8-0.

Expenditure.

13. The increase in the revised estimate is due mainly to the payment of freight on molasses imported from Java. The large increase in the budget for 1920-21 as compared with last year's budget is due to the provisions noted below:—

(*a*) Expenditure in connection with the supply of country spirit to licensed retail vendors in certain areas (8,99).

The contract of Messrs. Carew & Co. for the supply of country spirit in the Town and Island of Bombay, the districts of Surat, Thána and Kolába and the Dangs expired on 31st March 1920. The new contracts have been enterd into with effect from 1st August 1920. This course was adopted in order to enable tenderers to have full information regarding the prospects of the new mhowra crop. Arrangements, therefore, had to be made for the supply departmentally of spirit to the areas in question from 1st April to 31st July 1920 and a quantity sufficient for one month's supply from 1st August 1920 to be handed over to the new contractors.

Arrangements have therefore been made to obtain 8,00,000 proof gallons from Messrs. Parry & Co. of Madras and Messrs. Arratoon & Co. of Bombay at a cost of Rs. 16,87,500. Against the payment of Rs. 16,87,500 a recovery of about Rs. 8,00,000 is expected from licensed vendors at the usual supply rates. It is not proposed to recover the full cost as the licensed retailers have bid high at shop auctions and when the licenses were issued the heavy rise in the cost of spirit was not anticipated. In addition to the amount of Rs. 16,87,500 mentioned above, a sum of Rs. 10,000 will be required for the extra staff and Rs. 1,600 for rent of private warehouses.

(*b*) Compensation to licensed manufacturers of country spirit owing to the abnormally high prices of distilling materials (7,39).

Owing to the failure of the mhowra crop throughout India mhowra flowers were not available in sufficient quantities for distillation purposes and what stocks were available had to be purchased at exorbitant rates. This deficiency in the raw materials has to be made good by importing molasses from Java at prices far in advance of those payable for mhowra flowers in normal times. Licensed distilling contractors are therefore faced with ruinous losses, as their contract supply rates were fixed with reference to normal conditions. Owing to the altogether abnormal circumstances and as the total collapse of all contractors would not be in the interests of Government it has been decided to examine the accounts of all contractors and to compensate them to such extent as may be reasonable after consideration of all circumstances. A provision of Rs. 7,39,000 is made for this purpose.

(*c*) Amalgamation and reorganization of the non-gazetted establishments of the Department of Salt and Excise in the Presidency proper (2,50).

A scheme for the reorganization and amalgamation of the superior controlling and supervising (gazetted) staffs of the Salt and Excise Departments in the Bombay Presidency proper was sanctioned in 1917, and has proved very successful. The existing rates of pay of the non-gazetted staff are found to be inadequate and it is difficult to obtain suitable recruits. It is now proposed to amalgamate the non-gazetted executive and clerical staffs of the two departments, with scales of pay which will attract men with educational qualifications sufficient to fit them for the higher posts and which will give adequate remuneration to those who are fit only for clerical duties, while at the same time keeping open the door for the promotion from lower to higher groups of able and deserving men who have shown their fitness for more responsible work. The scheme involves a net extra outlay of about 5,00 in the first year and has been submitted for the sanction of higher authorities. The expenditure will be divisible between the heads 5, Salt (Imperial) and 7, Excise (Provincial) and provision for about one-half of the charges is made under the latter head.

(*d*) Scheme for (*i*) completely pumping the Khanapur Distillery spent wash into a trenching ground, including the cost of acquisition of land in connection therewith (77), and (*ii*) the repacking of the purification filters at the Distillery (42).

These schemes are to be undertaken with a view to prevent the pollution of the water of the Malaprabha river owing to the discharge of the Khanapur Distillery effluent.

(*e*) Construction of quarters for Excise menials (30).

The greater part of the menial establishment of the Salt Department is provided with rent-free quarters. The Excise menial staff is also entitled to rent-free quarters, but the accommodation hitherto provided is on a very limited scale thus entailing great hardship. When the Salt and Excise menial establishments are amalgamated and brought on one list, it will be necessary to provide them with free quarters; an amount of Rs. 30,000 for constructing the quarters is accordingly provided in the budget and it is included in the provision of Rs. 37,900 for Petty Construction and Repairs.

VIII. & 10. Income Tax.

* *Revenue.*

—	Accounts.			Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	1916-17.	1917-18.	1918-19.			
REVENUE	1,39,95	2,06,30	2,54,14	2,44,90	3,40,00	3,70,00
Provincial one-half share ...	69,98	1,03,15	1,27,07	1,22,45	1,70,00	1,85,00

* This head is not open to discussion.

Expenditure.

	Accounts.			Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	1916-17.	1917-18.	1918-19.			
Collection of Income-Tax ...	1,79	2,12	2,84	4,31	4,31	5,50
Provincial one-half share ...	90	1,06	1,42	2,16	2,16	2,75

Revenue.

14. The collections under the Super Tax Act and the Excess Profits Duty Act are credited to wholly Imperial minor heads and are not included in the figures given above, which relate to the divided head of Income-Tax.

With effect from 1st April 1916 enhanced rates of taxation have been introduced by the Government of India for Imperial purposes, but as the receipts are credited to the divided head of Income Tax, the local Government has to make an assignment from Provincial to Imperial revenues equal to its share of the additional revenue.

15. In the budget and revised estimates for the current year allowance has been made for the loss of income-tax on account of the levy of excess profits duty and on account of the exemption of incomes below Rs. 2,000 per annum from assessment to income-tax. In order to recoup the loss a compensatory assignment is made from Imperial to Provincial revenues.

16. The increases in the revised estimate for 1919-20 and in the budget estimate for 1920-21 are due mainly to the greater profits made by mills and other commercial enterprises. Allowance is made in the budget estimate for the fact that the loss of income-tax in 1919-20 on amounts paid as excess profits duty will not continue during the current year.

Expenditure.

17. Owing to the rapid development of revenue from Income Tax it is necessary to provide for increased staff, both permanent and temporary. This accounts for the increase in the budget estimate for 1920-21.

IX & 11. Forest.

Revenue.

	Accounts.			Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	1916-17.	1917-18.	1918-19.			
Timber and other produce removed from the forests by Government agency	18,67	18,38	53,77	34,77	49,17	37,46
Timber and other produce removed from the forests by consumers or purchasers ...	34,65	42,60	48,32	44,10	44,50.	50,96
Drift and waif wood and confiscated forest produce ...	4	4	5	4	6	4
Revenue from forests not managed by Government ...	9	13	15	11	11	9
Miscellaneous	1,74	1,97	2,65	1,48	2,66	1,45
Total ...	55,19	63,12	1,04,94	80,50	96,50	90,00

Expenditure.

	Accounts.			Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	1916-17.	1917-18.	1918-19.			
Conservancy and works ...	11,78	19,19	61,76	23,20	45,00	27,69
Establishments	13,87	14,35	16,96	18,23	19,00	27,08
Total ...	25,65	33,54	78,72	41,43	64,00	54,77

Revenue.

18. *Timber, etc., removed by Government agency.*—The actuals for 1918-19 include special receipts to the extent of 21,40 from famine fodder operations. The increase in the revised as compared with last year's budget is due mainly to higher receipts (15,07 against 2,50 entered in the budget) on account of famine fodder operations, the general rise in prices, and the recovery of outstandings from the Munitions Board. The budget for 1920-21 provides for larger receipts in view of the extensive demand for, and the high prices of, timber and firewood and other forest produce.

19. *Timber, etc., removed by consumers or purchasers.*—The increase in the revised is due mainly to larger receipts expected from firewood and other minor produce. The budget for 1920-21 provides for higher receipts from timber consequent on the general rise in the prices of coupes.

Expenditure.

20. To the minor head *Conservancy and Works* are debited (*a*) the outlay on the improvement, extension and protection of forest generally, (*b*) the outlay on communications and buildings in charge of the Forest Department, (*c*) the cost of the extraction and transport to sale depôts of timber and other forest produce exploited departmentally, (*d*) the cost of supervision of the removal of similar produce by private agency, (*e*) charges for the survey and demarcation of forests, and (*f*) the cost of live-stock, stores, tools and plant. The actuals of 1918-19 were very high owing to large expenditure on account of famine fodder operations and the supply of timber and other forest produce to the Munitions Board, and the Military Department. The increase in the revised estimate for 1919-20 as compared with the budget is due mainly to higher expenditure (18,00 against 54 estimated in the budget) on famine fodder operations, and communications and buildings (9,25 against 5,63 in the budget). As compared with last year's budget, the budget for 1920-21 includes larger provisions for departmental operations connected with the exploitation of timber and firewood, the construction of communications and buildings, the purchase of stores and tools and plant, and the demarcation, improvement and extension of forests. Also an increased provision of 67 is made for the appointment of 8 new forest engineers.

21. *Establishments.*—The increase in the revised estimate for 1919-20 as compared with the budget is due mainly to larger expenditure on travelling and other allowances and on service postage and telegrams. The increase in the budget for 1920-21 is chiefly due to the increments payable to officers under the time-scale of pay, larger expenditure on travelling allowances, and provisions for the three items noted below:—

(*a*) Establishment of a Forest College at Dharwar (3,55)—

The Government of India have decided that the Imperial College at Dehra Dun should carry on the training of candidates for the Provincial Forest Service only and

that the training of students for the forest rangers' course should be decentralised. It is accordingly proposed to build a Forest College at Dharwar for the purpose of training candidates for the rangers' course for this Presidency. A provision of Rs. 3,50,000 is made for the building and of Rs. 5,500 for the pay of two Provincial Forest Officers who will be required as Instructors at the College.

(*b*) Revision of the pay of Rangers, Foresters and Guards (2,68)—

The existing pay and prospects of promotion in all the three classes are inadequate. It is proposed to introduce a system of time scale promotion, which will go far to remove this objection. The Rangers are at present divided into six grades on pay varying from Rs. 50 to Rs. 150 a month. It is proposed to reduce the number of grades to four and to fix the pay of the lowest grade at Rs. 50—5—100 and of the remaining three grades at Rs. 125, Rs. 150 and Rs. 200 respectively. The extra cost of the scheme is estimated at 5,36 per annum, but as the sanction of the Secretary of State is necessary, provision is made to meet expenditure for six months only of 1920-21.

(*c*) Entertainment of temporary Forest Officers (92)—

In view of the shortage of Forest Officers, the Government of India have authorised this Government to employ temporary Forest Officers on a maximum pay of Rs. 800 a month for a period of two years. Provision is made for ten such officers.

X. & 12. Registration.

Revenue.

—	Accounts.			Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	1916-17.	1917-18.	1918-19.			
Fees for registering documents...	8,06	8,89	11,03	11,07	12,56	12,56
Fees for copies of registered documents	23	24	25	25	26	26
Miscellaneous	8	12	14	18	18	18
Total ...	8,37	9,25	11,42	11,50	13,00	13,00

Expenditure.

—	Accounts.			Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	1916-17.	1917-18.	1918-19.			
Superintendence	21	21	23	23	23	23
District charges	3,51	3,66	4,62	4,59	4,94	4,84
Total ...	3,72	3,87	4,85	4,82	5,17	5,07

1. Refunds and Drawbacks.*

Expenditure.

—	Accounts.			Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	1916-17.	1917-18.	1918-19.			
Divided heads (Provincial share).						
Land Revenue	1,39	1,24	1,39	1,30	1,40	1,40
Stamps	63	65	81	63	80	80
Income Tax	1,07	1,83	1,58	3,00	13,00	12,00
Provincial heads.						
Excise	3,27	3,68	4,39	8,50	5,00	4,00
Forest	9	11	9	12	15	15
Registration	3	4	3	3	5	5
Total ...	6,48	7,55	8,29	13,58	20,40	18,40

* Drawbacks occur under Customs only and are wholly Imperial.

22. The figures given above represent the debits to Provincial funds of the expenditure under *Refunds* in proportion to the Provincial shares of the revenues under the respective heads in connection with which refunds are made. The charges under this head are of a fluctuating character and are not subject to any departmental control. The revised estimate for 1919-20 and the budget for 1920-21 allow for larger estimates of refunds of income-tax which is subject to adjustment under section 19 of the Indian Income Tax Act, 1918. In the revised estimate the decrease under Excise refunds is due to anticipated savings in last year's provision for refund of a portion of the vend fees recovered from certain shopkeepers whose shops had to be closed owing to the temporary failure of supplies of country spirit consequent on inadequate transport facilities. No provision is made in the current year's budget on this account.

†2. Assignments and Compensations.

Expenditure.

—	Accounts.			Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	1916-17.	1917-18.	1918-19.			
Divided heads (Provincial share).						
Land revenue compensations—						
Inamdars and other grantees ...	5,17	5,16	5,19	5,59	5,35	5,66
Pensions in lieu of resumed lands	1,68	1,63	1,64	1,70	1,69	1,68
Miscellaneous land revenue compensations	31	31	33	33	33	33
Provincial heads.						
Inamdars and other grantees ...	72,84	74,23	74,77	75,14	74,24	74,29
Pensions in lieu of resumed lands	8,51	8,67	8,72	9,03	8,98	8,98
Excise compensations ...	9,34	8,10	10,71	9,62	10,14	20,65
Miscellaneous compensations ...	19	18	14	20	21	20
Total ...	98,04	98,28	1,01,50	1,01,61	1,00,94	1,11,79

† This head is not open to discussion.

Provincial Heads.

23. *Excise compensations.*—The increase in the revise estimate over the budget for the year 1919-20 is due mainly to the payment of 52 to the Sachin State being the excess of the actual abkari receipts for the year 1918-19 over the provisional compensation of 32 paid for the period. The excise compensations have been fixed for ten years from 1st August 1914 on the basis of the average revenue for three years preceding that date. The amounts are subject to revision after the third year of leases with reference to the actual revenue collected. The first adjustment will be made in 1920-21 and will, it is anticipated, involve payments to the extent of about 11,05 in excess of the present compensations. This accounts for the large increase in the budget estimate for 1920-21 as compared with last year's budget.

XII. & 13. Interest.

Revenue.

	Accounts.			Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	1916-17.	1917-18.	1918-19.			
REVENUE	12,63	11,39	7,45	9,43	14,25	17,70

**Expenditure.*

	Accounts.			Budget estimate, 1919-20.	Revised estimate 1919-20.	Budget estimate, 1920-21.
	1916-17.	1917-18.	1918-19.			
EXPENDITURE	6,18	5,60	7,08	9,47	12,14	15,06

*This head is not open to discussion.

Revenue.

24. The revenue represents mainly the interest received by the Local Government and advances on loans made from the Provincial Advance and Loan account. This account, the capital transactions of which are outside the current budget figures, provides for the grant of loans to agriculturists, local bodies, Indian States, etc. The money required for the loans is furnished by the Government of India. The Local Government pay interest thereon and bear any losses on account of bad debts. In order to cover risk and cost of management, the Local Government charge a higher rate of interest than that which they have to pay to India. The revenue under this head also includes interest on Government securities belonging to institutions taken over by Government along with the endowments for the upkeep of such institutions. In spite of the enhancements, which are noticed below, of the rate of interest charged by the Government of India to this Government no change has been made in the rate of 6¼ per cent. charged by this Government for loans to agriculturists. The rate of interest charged on loans to local bodies made after the enhanced rates fixed by the Government of India came into force has, however, been raised to 6 per cent. and that to Indian State has been raised to 6¼ per cent.

Expenditure.

25. The interest which is paid to the Government of India by the Local Government on sums placed at the disposal of the latter for advances and loans to local bodies, agriculturists, etc., is shown as expenditure under this head, this interest being calculated on the mean of the outstanding balance of the Provincial Advance and Loan account at the beginning and at the end of each year. The rate of interest charged to the Local Government was 3½ per cent. per annum, but with effect from the 1st October 1916 this rate was raised

to per 4½ cent. in respect of loans sanctioned on or after that date, and again to per 5½ cent. in respect of loans sanctioned on or after 1st April 1917.

26. The question of taking over from the Government of India the Provincial Loan Account by repaying from Provincial balances a part or whole of the outstanding balance, which is estimated to amount to 3,01,89 on 31st March 1921, is at present under consideration. If the account is taken over, Provincial Revenues will save the amount payable to the Government of India as interest on the moneys taken from them to finance the Loan Account.

27. The transactions of the last and current years from the Provincial Loan Account are shown in the following statement :—

—	Budget estimate, 1919-20.		Revised estimate, 1919-20.		Budget estimate, 1920-21.	
	Payments.	Receipts.	Payments.	Receipts.	Payments.	Receipts.
Loans to cultivators ...	59,71	42,85	1,43,61	49,83	24,73	63,04
Loans for the purposes of the Co-operative Societies Act ...	29	15	81	17	27	42
Loans to Gujarat talukdars ...	22	8	1,12	80	24	80
Loans to Indian States and landlords and notabilities ...	23,00	3,50	10,80	3,75	1,16	4,66
Loans to local bodies on account of public works. ...	5,00	3,00	11,31	2,98	27,50	2,73
Loans to co-operative housing societies	5,00	...	5,00	...	5,00	...
Loans for the establishment of cheap grain shops ...	5,00	10,00	5,00	10,00	...	...
Other miscellaneous ...	20	1	92	35	13	68
Total ...	98,42	59,59	1,78,57	67,88	59,03	72,33

18. General Administration.

**Expenditure.*

—	Accounts.			Budget. estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	1916-17.	1917-18.	1918-19.			
Salary of the Governor ...	1,20	1,20	1,20	1,20	1,20	1,20
Sumptuary allowance of the Governor	8	12	8	36	85	30
Staff and household of the Governor	2,52	2,82	2,89	3,73	3,99	3,83
Expenditure from contract allowance	66	65	66	63	98	1,00
Tour expenses	51	58	60	64	2,58	64
Executive Council	2,01	2,04	2,09	1,96	2,00	1,98
Legislative Council—(Travelling allowance to non-official members of the Council) ...	18	24	20	18	20	20
Civil Secretariat	7,51	7,91	8,61	8,00	8,49	10,26
Commissioner in Sind ...	1,52	1,54	1,91	1,97	2,13	2,31
Commissioner	2,34	2,36	2,48	2,49	2,39	2,65
Civil Offices of account and audit	1,24	1,21	1,29	1,28	1,31	1,38
General establishment of Local Funds	73	73	60	61	61	61
Total ...	20,50	21,40	22,61	23,05	26,73	26,36

*Statutory charges under this head are not open to discussion.

28. The amounts of the *sumptuary allowance* and *contract allowance* of His Excellency the Governor have lately been raised to 30 and 1,00 respectively. The revised estimate for 1919-20 includes certain arrear payments.

29. *Staff and household of the Governor.*—The increase in the revised estimate for 1919-20 is due mainly to larger expenditure on the maintenance of Government House gardens and on contingencies. In the budget for 1920-21 provisions have been made for increased expenditure due to the revision of the establishments of the Private and Military Secretaries and for the purchase and repair of furniture.

30. *Tour Expenses.*—The revised estimate for 1919-20 includes provision for the construction of metre gauge and standard gauge saloon carriages for the use of His Excellency the Governor. The estimated cost of 76 for the standard gauge saloon was not paid last year and will have to be met this year by a reappropriation of funds.

31. *Civil Secretariat.*—The increase in the revised estimate for 1919-20 is due chiefly to the salaries of temporary officers and increase in the postage and telegram charges. The budget for 1920-21 includes a lump provision of 1,14 for the revision of the Secretariat establishments. Also provision is made for the pay of a Deputy Secretary in the Revenue and Financial Departments, and the employment of a special officer and a temporary Assistant Secretary in the General Department.

32. *Commissioner in Sind.*—The increase in the revised estimate for 1919-20 is due mainly to larger expenditure on service postage, telegrams and other contingencies. The budget for 1920-21 includes larger provision for this expenditure as well as for travelling and other allowances.

33. *Commissioners.*—The decrease in the revised estimate for 1919-20 is due to the non-utilization of the provision for payments to officers of other provinces and to smaller expenditure on allowances and contingencies. Larger estimates for charges on account of salaries, establishments and contingencies account for the increase in the current budget as compared with last year's budget.

34. *Civil Offices of Account and Audit.*—To this head is debited the expenditure connected with the Local Audit Branch of the Accountant General's office, which is classed as Provincial. The budget for 1920-21 provides 10 for temporary establishment required for the clearance of certain arrears and for the verification of cancelled currency notes.

XVI-A. & 19-A Law and Justice Courts of Law.

**Revenue.*

	Accounts.			Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	1916-17.	1917-18.	1918-19.			
Sale proceeds of unclaimed and escheated property	43	82	65	70	70	70
Court-fees realised in cash ...	91	62	58	75	60	62
General fees, fines and forfeitures	5,87	6,36	6,72	6,80	7,50	7,28
Pleadership examination fees ...	4	...	2	3	5	3
Miscellaneous fees and fines ...	74	84	75	87	70	82
Miscellaneous	27	35	41	35	45	35
Total ...	8,26	8,99	9,13	9,50	10,00	9,80

*This head is not open to discussion.

*Expenditure.

	Accounts.			Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1929-21.
	1916-17.	1917-18.	1918-19.			
High Court	7,58	7,51	7,75	7,74	7,83	8,87
Law Officers	3,99	3,93	4,00	4,14	5,20	4,23
Administrator General and Official Trustee	42	42	47	43	25	37
Coroner's Court	12	12	12	12	12	12
Presidency Magistrates' Courts.	91	99	1,31	1,45	1,45	1,40
Judicial Commissioners... ...	1,70	1,74	1,98	2,06	2,18	2,14
Civil and Sessions Courts ...	23,91	24,91	27,79	28,72	29,00	30,85
Courts of Small Causes... ...	2,82	2,79	3,16	3,20	3,02	3,56
Criminal Courts	14,29	14,38	14,65	14,72	15,00	15,00
Pleadership Examination charges	1	1	1	...	...	...
Refunds	40	45	39	45	45	45
Total ...	56,15	57,25	61,63	63,03	64,50	66,99

* Statutory charges under this head are not open to discussion.

Revenue.

35. The principal source of revenue is general fees, fines and forfeitures. The increase in the revised estimate for 1919-20 and the budget estimate for 1920-21 occurs mainly under magisterial fines.

Expenditure.

36. *High Court.*—The budget estimate for 1920-21 provide for the following new items:—

(*a*) Appointment of an eighth Judge in the High Court for work on the Original Side 61

The Honourable the Chief Justice represented to Government the necessity of appointing as a permanent measure an eighth Judge. The Government of India were asked to obtain the sanction of the Secretary of State to the proposal, but they have for the present sanctioned the appointment for a period of one year. A provision for a full year on account of the salary of the additional Judge, office establishment and other connected charges is made in next year's budget.

(*b*) Revision of certain establishment in the High Court 54

37. *Law Officers.*—The increase in the revised estimate for 1919-20 over last year's budget is due chiefly to Pleaders' fees in connection with the special Tribunals at Akola and Ahmedabad and to larger provision under "charges for special counsel".

38. *Civil and Sessions Courts.*—Larger expenditure on account of contingencies and payments to officers of other provinces is responsible for the increase in the revised estimate for 1919-20. The budget estimate for 1920-21, besides providing for the following items, allows increased provision for the entertainment of temporary Assistant Judges and their establishments, and for payments to officers of other provinces.

(*a*) Lump provision for the scheme of the creation of four new District Judgeships 75

(*b*) Establishment of separate courts of Subordinate Judge at Khed in the Ratnagiri District and at Hukeri in the Belgaum District ... 20

Item (*a*).—The revenue districts of Kaira, East Khandesh, Kolaba and Nawabshah are at present unprovided with District and Sessions Courts of their own, but are included in the jurisdictions of the District and Sessions Courts of the adjacent districts, *viz.*, at Ahmedabad, Dhulia (in West Khandesh district), Thana and Hyderabad (Sind), respectively. A scheme for the constitution of separate District and Sessions Judgeships for these four revenue districts is under consideration. The cost of the whole scheme is estimated at 1,49 but for the present a provision of 75 for two new District Judgeships is made in the current year's budget.

39. *Courts of Small Causes.*—The decrease in the revised estimate for 1919-20 is due mainly to savings anticipated in the provisions for the Judges of the Courts of Small Causes due to changes in personnel. The budget estimate for 1920-21 provides 7 for the appointment of an additional temporary Judge in the Court of the Small Causes, Bombay, and 34 for the revision of the establishments of that Court.

40. *Criminal Courts.*—The increase in the revised estimate for 1919-20 and the budget estimate for 1920-21 as compared with last year's budget is due chiefly to larger provision for diet and road money to witnesses in consequence of the enhancement of the rate of subsistence allowance from six to eight annas per diem for witnesses of the class of smaller cultivators and labourers attending criminal courts.

XVI B. & 19-B. Law and Justice—Jails.

Revenue.

	Accounts.			Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	1916-17.	1917-18.	1918-19.			
Jails	1,20	1,38	1,29	1,31	1,25	1,15
Jail manufactures... ...	1,85	2,24	2,95	2,19	2,75	2,35
Total ...	3,05	3,62	4,24	3,50	4,00	3,50

Expenditure.

	Accounts.			Budget estimate, 1919-20.	Revised estimates, 1919-20.	Budget estimate, 1920-21.
	1916-17.	1917-18.	1918-19.			
Jails	11,83	11,74	17,92	15,75	23,20	21,65
Jail manufactures... ...	1,52	2,23	2,15	2,29	2,80	2,16
Total ...	13,35	13,97	20,07	18,04	26,00	23,81

Revenue.

41. The receipts under this head consist of hire of convict labour, recoveries of transportation and jail charges from Indian States and sale-proceeds of articles manufactured in jails.

42. The high prices of jail manufactured articles and a larger demand for them account for the increase in the revised estimate for 1919-20.

Expenditure.

43. To this head are debited the expenditure connected with the staff employed in the supervison of jails, the charges for the maintenance of convicts and the cost of raw materials purchased for jail manufactures. Subventions to the Released Prisoners' Aid Society and to the Salvation Army for charges for reformation of criminal tribes and in connection with Released Prisoners' Home are also debited to this head. Expenditure in connection with the settlement of criminal tribes which were debited to the head "3, Land Revenue" are brought to account under this head with effect from 1st April 1920.

44. *Jails.*—The increase in the revised estimate for 1919-20 is due mainly to larger estimate for dietary and hospital charges, clothing and bedding of prisoners, charges for moving prisoners and miscellaneous services, and supplies owing to increased jail population and to the high prices of articles. As compared with last year's budget the estimate for the current year provides for larger expenditure on account of some of these items. The inclusion under this head of charges connected with the settlement of criminal tribes has also contributed to the increase.

45. *Jail manufactures.*—The increase in the revised estimate for 1919-20 is due to larger expenditure for the purchase of raw materials and to an increased demand for jail-made articles.

XVII. & 20. Police.

Revenue.

	Accounts.			Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	1916-17.	1917-18.	1918-19.			
Presidency Police	1,61	43	41	35	65	55
Cash receipts under the Arms Act	...	...	...	...	...	3
Fees, fines and forfeitures ...	24	23	30	25	28	28
Miscellaneous	60	31	38	40	37	37
Police supplied to Municipal, Cantonment and Town funds.	26	...	...	...	...	...
Police supplied to public departments, private companies and persons	91	...	...	...	...	..
Superannuation receipts ...	6	...	...	...	...	...
Total ...	3,68	97	1,09	1,00	1,30	1,23

Expenditure.

	Accounts.			Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	1916-17.	1917-18.	1918-19.			
Presidency Police	12,27	13,22	13,82	17,26	18,02	23,37
Superintendence	2,26	2,18	2,19	2,19	2,39	2,49
District Executive Force ...	70,82	71,70	80,62	1,02,35	1,00,50	1,15,04
Village Police	8,84	8,79	9,09	9,20	9,20	9,20
Special Police	5,92	5,68	6,60	6,81	7,36	7,28
Railway Police	2,91	2,95	3,57	4,03	7,25	7,64
Criminal Investigation Department	3,13	3,31	3,44	3,46	4,12	4,66
Refunds	1	1	1	2	1	1
Lump deduction for probable savings	...	...	...	...	...	—2,00
Total ...	1,06,16	1,07,84	1,19,34	1,45,32	1,48,85	1,67,69

Revenue.

46. Till the year 1916-17 the following items of revenue used to be credited to the head XVII, Police, but are now adjusted by deduction from charges under the head 20, Police:—

(i) Contributions by the Bombay Port Trust in respect of the harbour and dock police;

(ii) Contributions by the Bombay University in respect of University Police;

(iii) Contributions from Municipalities for police supplied to them;

(iv) Contributions from the Karachi and Aden Port Trusts in respect of harbour police;

(v) Receipts from private companies and persons in respect of additional and other police;
(vi) Superannuation receipts; and
(vii) Contributions from stations (Thanas) in Kathiawar.

This change accounts for the fall in revenue since 1917-18. The increase in the revised estimate for 1919-20 as compared with the budget is due to higher receipts from fees for licenses granted under the Police and the Motor Vehicles Acts. The latter are not expected to be so high during 1920-21.

Expenditure.

47. *Presidency Police.*—The increase in the revised for 1919-20 over that year's budget is due to (i) the grant of war allowances to the constabulary at revised rates, (ii) larger expenditure on account of travelling and house-rent allowances and contingencies, (iii) the revision of the clerical establishment of the Commissioner of Police and (iv) the revision of the pay of gazetted officers of the Police Department. The budget for 1920-21 provides for all these charges and further includes lump provisions of (i) 2,09 for increase in the pay and allowances of the European cadre of the Bombay City Police, and (ii) 2,31 for revised pay (1,06) and grain compensation (1,25) of the Bombay City Police.

48. *Superintendence.*—The increase in the revised estimate for 1919-20 is due mainly to the revision of the pay of gazetted officers. The budget for 1920-21 also includes a provision of 9 for the re-organization of the clerical staff of the Inspector General of Police.

49. *District Executive Force.*—The decrease in the revised as compared with the budget for 1919-20 is mainly due to savings in the lump provisions amounting to 14,69 made for the grant of special war allowance and grain compensation allowance to the constabulary. The savings are partially counterbalanced by larger expenditure mainly on salaries and travelling allowances, and the grant with effect from 1st July 1919 of compensatory allowances (in addition to the existing war allowance) to the constabulary in the Presidency proper at rates varying between Rs. 3 and Re. 1 per mensem each. The budget for 1920-21 provides for the increased expenditure mentioned above, and for the items noted below :—

(*a*) Lump provision for the re-organization of the Sub-Divisional Police and the revision of the pay of Deputy Superintendents and Inspectors of Police .	3,46
(*b*) Clothing allowance to Inspectors, and free clothing grant to officers of and below the rank of Sub-Inspectors of Police	2,05
(*c*) Grant of compensatory allowances to the constabulary in Sind and Kathiawar, in addition to the present war allowances, at rates varying between Rs. 3 and Re. 1 per mensem each. (The grant of similar allowances to the constabulary in the Presidency proper has been sanctioned with effect from 1st July 1919)	1,90
(*d*) Reconstitution of the mounted police in the Presidency proper	1,92
(*e*) Lump provisions for the grant of (i) house-rent to Sub-Inspectors of Police who have been posted to places where house-rents have risen considerably and (ii) bad climate allowance to police officers stationed in unhealthy localities	1,25
(*f*) Lump provision for the grant of increased rates of pay to the constabulary in the Presidency proper in view of the large increase in the cost of living in recent years	1,00
(*g*) Additional police establishment required at Nasik and Trimback on account of the *Sinhast* fair ...	43
(*h*) Hutting allowance to police constables in Sind ...	36
Total ...	12,37

50. *Special police.*—The increases in the revised for 1919-20 and the budget for 1920-21 as compared with the budget for 1919-20 are due mainly to the revision of the pay of gazetted officers and the re-organization of the Agency police of Palanpur and Mahikantha.

51. *Railway police.*—The Government of India have lately sanctioned a revised system of apportionment of the cost of Railway police, under which the Railway companies will meet the cost of the watch and ward police, and Government that of the crime and order police with effect from 1st April 1919. The extra charge involved is estimated at 3,00 a year, and a recurring assignment of this amount is made from Imperial to Provincial revenues through the head "Transfers between Imperial and Provincial." This accounts mainly for the increase in last year's revised and in the budget for 1920-21 as compared with the budget for 1919-20.

52. *Criminal Investigation Department.*—The increase in the revised over the budget for 1919-20 is due mainly to the revision of the pay of gazetted officers and the police force, and larger expenditure on contingencies. The budget for 1920-21 allows for these higher charges and also includes provisions for the re-organization of the department and the establishment of a Criminal Investigation Department Training School.

XVIII & 21. Ports and Pilotage.

Revenue.

	Accounts.			Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	1916-17.	1917-18.	1918-19.			
Registration and other fees ...	1,21	1,13	1,27	1,48	1,31	1,32
Miscellaneous	41	52	46	63	80	.92
Total ...	1,62	1,65	1,73	2,11	2,11	2,24

Expenditure.

	Accounts.			Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	1916-17.	1917-18.	1918-19.			
Salaries and allowances of officers and men afloat ...	9	8	8	10	8	9
Purchase of stores and coal, etc.	9	8	11	3	7	4
Ports establishments ...	62	64	82	1,09	1,06	1,33
Miscellaneous	1	3	3	2	2	2
Lighthouses and light-ships ...	43	27	24	41	19	41
Refunds	...	...	...	...	1	...
Total ...	1,24	1,10	1,28	1,65	1,43	1,89

Revenue.

53. The registration and other fees collected in the Shipping Offices at Bombay, Karachi and Aden are credited to the first minor head.

54. The receipts from the levy of dues on vessels for the provision of lights on the Sind Coast and the receipts of the Steam Vessels Survey Department are credited to the minor head *Miscellaneous*. The receipts and charges of this Department, which formed a Local Fund, were provincialized in December 1918 and, as the Department was not self-supporting, revised rates of survey fees were notified on the 3rd December 1918.

Expenditure.

55. The charges in connection with the steamer Jhelum and Flat Multan, which are placed at the disposal of the Commissioner in Sind for touring purposes, are recorded under the first two minor heads.

56. *Ports establishments.*—The increased expenditure during last year as compared with the actuals for 1918-19 is due to the provincialization of the Steam Vessels Survey Department in December 1918. The current year's estimate includes also provision for the revision of the pay of the shipwright surveyors in Bombay and for the entertainment of a shipwright surveyor for Karachi. The duty of surveying vessels at Karachi has hitherto been performed by Port Officers or private surveyors, but in view of the growing importance of the port it is now proposed to appoint an Engineer Officer of the Royal Indian Marine as shipwright surveyor for Karachi.

57. *Light-houses and light-ships.*—A saving occurred in last year's grant for Sind Coast lights as the light-ship "Sindhi" was temporarily employed in the Persian Gulf.

XIX & 22. Education.

Revenue.

	Accounts.			Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	1916-17.	1917-18.	1918-19.			
Fees, Government Colleges—General ...	1,04	1,13	1,16	1,15	1,11	1,15
Fees, Government Colleges—Professional ...	1,01	1,19	1,14	1,10	1,19	1,23
Fees, Schools—General ...	2,55	2,64	2,68	2,67	2,75	2,83
Fees, Schools—Special ...	10	14	16	12	8	11
Contributions	5	5	5	8	5	5
Miscellaneous	98	4,35	76	86	67	68
Total ...	5,73	9,50	5,95	5,98	5,85	6,05

Expenditure.

	Accounts.			Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	1916-17.	1917-18.	1918-19.			
University	55	55	55	67	55	67
Direction	87	77	74	75	85	84
Inspection	6,45	6,68	7,48	8,23	8,75	9,71
Government Colleges—General.	3,05	3,33	3,38	4,66	3,60	3,88
Government Colleges—Professional	2,80	3,05	3,09	4,65	3,15	5,52
Government Schools—General .	36,37	39,58	62,81	75,54	73,93	92,34
Government Schools—Special .	4,64	4,92	6,08	6,91	7,16	7,84
Grants-in-aid	19,78	19,41	21,63	22,11	24,51	26,13
Scholarships	74	82	1,11	1,05	1,38	1,31
Miscellaneous	77	84	78	75	71	80
Refunds	...	...	1	1	1	1
Lump provision for recurring and non-recurring expenditure	...	...	...	6,24	...	3,36
Lump provision for Mahomedan education	...	...	...	49	...	39
Lump deduction for probable savings	...	...	...	...	...	—4,00
Total ...	76,02	79,95	1,07,66	1,32,06	1,24,60	1,48,80

Revenue.

58. *Fees, Government Colleges—Professional.*—Owing to increased number of students seeking admission in the Government Law School, arrangements have been made for holding more classes. In 1918-19 the Second LL.B. class was

held in duplicate and the First LL.B. class in triplicate. Another additional class was formed with effect from last year. The increase in last year's revised estimate and the current year's budget estimate is due mainly to the larger number of students in this school.

59. *Fees, Schools—General.*—It has been the policy of Government to maintain as far as possible in each district one high school to serve as a model and to leave the further development of secondary education to private endeavour with the assistance of grants-in-aid from Government. Some districts are not yet provided with Government high schools and it is now proposed to establish them in those districts. Thus the Municipal secondary school at Larkana has already been taken over and converted into a Government high school and new high schools will shortly be established in the other districts. The current year's estimate under this minor head includes provision for fee receipts from the new high schools.

60. *Miscellaneous.*—The following receipts are chiefly credited to this head :—

(i) Sale-proceeds of books,
(ii) Workshop receipts,
(iii) Yeravda Reformatory school receipts,
(iv) Cambridge Senior Local Examination fees,
(v) School Final Examination fees,
(vi) London Chamber of Commerce Examination fees,
(vii) Drawing and Arts Examination fees at the School of Art,
(viii) Royalty on Vernacular text books,
(ix) Government Scholarship Examination fees, and
(x) Secondary Teachers' Examination fees.

The actuals of 1917-18 include the refund of the advance of 3,50 given in 1915 to the V. J. Technical Institute in connection with the scheme for the removal of the institute to a new site at Matunga.

Item (v).—The departmental School Final Examination has been discontinued with effect from 1918-19 and so no fees are now received by Government in respect of this examination.

Item (viii).—Government have decided to forego with effect from 1st April 1920 the royalty at present payable by Messrs. MacMillan & Co. on the Vernacular readers, the sale prices of which will be correspondingly reduced. The last year's revised estimate also allows for somewhat smaller receipts from this source.

Expenditure.

61. *University.*—The following annual grants have been sanctioned from Imperial Revenues for the objects specified below :—

(*a*) 10 for administration, inspection and travelling allowances ;
(*b*) 45 for the appointment of University lecturers, and for other University reforms (sanctioned in 1912) ;
(*c*) 12 for the appointment of a Professor of Economics (sanctioned in 1915).

67 Total

The Imperial grant referred to in (*a*) has been merged into the Provincial Settlement which came into force on 1st April 1911. Grants (*b*) and (*c*) are being given every year from Imperial to Provincial revenues through the head "Transfers between Imperial and Provincial Revenues". The grant-in-aid (*c*) was not paid to the University since 1915-16 as no Professor of Economics was appointed by the University.

62. *Inspection.*—The last year's provisions of 54 for the scheme for the medical inspection of school children and of 19 for the scheme for the appointment of an Educational Inspector for the Bombay Division were not unutilized owing to the delay in the introduction of the schemes. On

the other hand larger expenditure was incurred on "Establishments", "Travelling allowances" and "Contingencies".

The current year's budget contains increased provisions on account of (i) the scheme for the medical inspection of school children (71 against 54 in last year's budget), as Government have now decided to entertain six doctors, instead of five as originally proposed, (ii) additional Inspector for the Bombay Division, (iii) service postage and telegram charges and (iv) magic lanterns and slides. The inspecting agency for the Mulla Schools has recently been reorganized and provision for the additional inspecting staff for these schools is made in the current year's budget. The budget contains also provision for the additional inspecting staffs required for several districts. The scheme for the time-scale of pay for assistant masters and mistresses and assistant Deputy Educational Inspectors, for which a provision of 25 was made in the last year's budget, has been sanctioned by the Secretary of State. A lump provision of 2,00 for the extra charge on account of the scheme is made in the budget estimate of 1920-21. Out of this amount a sum of 40 is entered under this minor head.

63. *Government Colleges—General.*—The last year's budget contained a lump provision of 1,00 for the construction of a building and a hostel for students for the Arts College, Dharwar. A greater part of this provision remained unexpended. The small expenditure which was incurred last year was not debited to the head *Education* but appeared under *Civil Works*. This accounts for the decrease in the last year's revised estimate. The last year's provision of 1,00 for the Dharwar College buildings is not repeated this year under the major head 22, Education but on the other hand a sum of 3,50 for the buildings is provided under the head 45, Civil Works. Excluding the special provision of 1,00 in the budget of 1919-20 the small increase in the current year's budget is due chiefly to larger provisions for establishment and contingent charges.

64. *Government Colleges—Professional.*—The details of the figures under this minor head are given below :—

—	Accounts, 1918-19.	Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget, estimate, 1920-21.
(i) Law College	45	50	51	59
(ii) College of Engineering, Poona ...	1,37	1,79	1,32	1,90
(iii) Training College for Secondary Teachers	38	40	39	39
(iv) Sydenham College of Commerce and Economics, Bombay ...	89	96	93	1,03
(v) Royal Institute of Science, Bombay.	...	1,00	...	1,61
Total ...	3,09	4,65	3,15	5,52

Item (*i*)—Owing to the increase in the number of students in the Law School, Bombay, Government sanctioned the formation in 1919-20 of an additional First LL.B. Class and the entertainment of two extra Professors. The budget of 1920-21 contains provision for the two Professors and their peons.

Item (*ii*)—The last year's provision of 24 for the scheme for instituting apprenticeships in the Public Works Department for Civil Engineering students was not utilized as Government have decided that the question of the introduction of the scheme should await the orders of the Government of India on the recommendations of the Public Works Department Re-organization Committee. The provision is, however, repeated in the current year's budget. There were also savings in last year's provision for salaries of officers.

Item (*v*)—The last year's provision of 1,00 for the equipment of the Institute remained unutilized and is therefore repeated in current year's budget. The Secretary of State has sanctioned the appointment of Dr. C. J. Fox as Principal of the Royal Institute of Science. A lump provision of 61 is made in the budget of 1920-21 for the pay of two professors—one for Physics and one for Botany—and for subordinate staff, etc., in addition to the pay of Dr. Fox which is already included in the provision for professors of the College of Engineering.

65. *Government Schools—General.*—The details of the figures under this minor head are given below:—

	Accounts, 1918-19.	Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
(i) Secondary schools for boys and girls.	6,53	7,23	7,03	8,76
(ii) Primary schools for boys and girls.	11	14	23	19
(iii) Provision for opening new high schools	...	1,00		1,00
(iv) Charges in connection with the taking over by Government of the Municipal Anglo-Vernacular School at Larkana	...	19		...
(v) Provision for special allowances to qualified Urdu teachers in primary schools	...	30		30
(vi) Provision on account of the scheme for the introduction of the teaching of English in primary schools.	...	8		15
(vii) Provision for promotion of secondary education among girls ...	...	...		65
(viii) Provision for expenditure out of the surplus excise revenue ...	...	18,00		25,46
(ix) Payments in support of local schools—				
(*a*) Additional trained teachers in the mofussil ...	...	22		12
(*b*) Grant to the District Local Board, Kolaba, for the education of the children of Katkaris ...		3		3
(*c*) Grant for the education of the children of the criminal tribes ...		20	66,67	34
(*d*) Additional grants to Local Boards for opening new primary schools ...		6,64		6,64
(*e*) Additional grants to Local and Municipal Boards for the improvement of pay of primary school teachers		15,54		16,35
(*f*) Payment in support of Local Board primary schools	56,17	11,94		12,00
(*g*) Payment in support of municipal schools ...		6,67		9,42
(*h*) Provision for the introduction of compulsory education in municipal areas		2,00		2,00
(*i*) Improvement of the training of primary school teachers		1,50		2,25
(*j*) Provision for development of primary education ...		4,25		8,25
	...	75,93	...	93,91
For probable savings ...	...	39	...	1,57
Total ...	62,81	75,54	73,93	92,34

Item (*i*).—The Municipal Vernacular School at Larkana has been converted into a Government High School and the special provision of 19 which was separately made for the purpose in last year's budget is now merged into this head in the current year's estimates. In addition lump provisions of 1·20 for the revision of the pay of assistant masters and mistresses in secondary schools and of 12 for the revision of the pay of clerks in the Educational Department are made in the budget of 1920-21.

Item (*iii*).—The last year's provision was not utilized during that year and is repeated in the current year's budget.

Item (*vi*).—In response to a popular demand a lump provision of 8 was made in last year's budget for a scheme for the introduction of the teaching of English in primary schools. Government have sanctioned English classes to be attached to five vernacular schools in each Division as an experimental measure. The full estimated cost of this is provided in the budget of 1920-21.

Item (*vii*).—At the session of the Legislative Council held on the 29th July 1918 and subsequent days two Resolutions regarding the establishment of new girls' Anglo-Vernacular schools and the admission of girls into Government High Schools for boys, were accepted on behalf of Government and passed by the Council in modified forms. Accordingly the Director of Public Instruction was asked to submit proposals in the matter. The proposals approved by Government are summarised below :—

	Recurring (average) cost. Rs.	Non-recurring. cost. Rs.
(*a*) Separation of girls' High School at Ahmedabad from the Mahalaxmi Training College for Women ...	2,663	3,000
(*b*) Establishment of three new middle schools at Dharwar, Thana and Ahmednagar	27,152	12,000
(*c*) Opening of two branches at the Nasik and Bijapur boys' High Schools	14,080	4,000
(*d*) Provision of suitable arrangements (*i.e.*, matrons, retiring rooms and sanitary arrangements) for the admission of girls into boys' High Schools	1,200	8,800
Total ...	45,095	27,800

A provision of 65 (37 for the recurring expenditure and of 28 for the non-recurring expenditure) is made for the purpose in the budget of 1920-21.

Item (*ix*) (*a*).—The provision of 22 in last year's budget was intended for local normal classes for training primary school teachers. As additional training schools will be opened from the increased provision referred to in item (ix) (*i*), some of the normal classes will be abolished, and a reduced provision is accordingly made in the current year's budget.

Item (*ix*) (*c*).—The current year's provision includes a sum of 20 for non-recurring expenditure required for a school house and teachers' quarters at Sholapur and for teachers' quarters at Bijapur.

Item (*ix*) (*e*).—The budget estimate for 1920-21 includes the following new provisions :—

69 for giving code pay, according to revised scale, to District Local Board primary school teachers sent out from training colleges during the year;

11 on account of extra pay and pension contribution of the second year trained men sent out as teachers from the several training colleges under the schemes sanctioned in 1912 from the recurring Darbar grant of 6,70.

Item (*ix*) (*g*).—The current year's budget contains an additional provision of 2,75 for bringing the grants to Municipalities for primary education to one-half of their total expenditure on this object during 1919-20.

Item (*ix*) (*i*).—In last year's budget a provision of 1,50 was made in connection with the scheme for the training of additional primary teachers to which the Secretary of State has now accorded his sanction. Pending the sanction a certain number of local training classes were opened provisionally. A further provision of 75 is made in the current year's budget to meet expenditure on opening new training classes.

Item (*ix*) (*j*).—The increase in the current year's estimate is due to the provision of 4,00 for opening new primary schools.

66. *Government Schools—Special.*—The details of the figures under the minor head are given below :—

	Accounts.	Budget estimate.	Revised estimate.	Budget estimate.
	1918-19.	1919-20.	1919-20.	1920-21.
(i) Training schools ...	4,12	4,76	5,16	5,60
(ii) R. C. Technical Institute, Ahmedabad.	15	19	26	22
(iii) School of Art	1,26	1,32	1,03	1,36
(iv) Reformatory schools ...	55	49	65	51
(v) Committee of Direction for Industrial and Technical Schools.	...	15	6	15
Total ...	6,08	6,91	7,16	7,84

Item (*i*).—The last year's provision of 50 for the construction of a building for the Training College for Women, Poona, has not been utilized and is repeated in the current year's budget under the head 45, Civil Works. On the other hand larger expenditure is anticipated on contingencies and scholarships. The increased expenditure on scholarships is due to—

(*a*) the raising of the rate of stipends recently sanctioned by Government owing to the high prices of food-stuffs, and

(*b*) the additional stipends sanctioned in connection with the opening of the Urdu Training Class at Poona and the reorganization of the Urdu Training Class at Ahmedabad.

These factors mainly contribute to the net increase in last year's revised and current year's budget estimates. The current year's budget contains also a lump provision of 40 for revision of pay of assistant masters and mistresses.

Item (*ii*).—The increase in last year's revised estimate is due to larger expenditure on contingencies.

Item (*iii*).—The decrease in the revised estimate of 1919-20 occurs under salaries of officers and is due mainly to the deputation of officers to other Departments.

Item (*iv*).—The increase in last year's revised estimate occurs under contingencies on account of the present high cost of food-stuffs, etc.

Item (*v*).—The total sanctioned grant for the Committee is 40, but as their expenditure has not been worked up to this amount owing to war conditions a provision of 15 is made in the current year's budget.

67. *Grants-in-aid.*—The increase in last year's revised estimate is due mainly to the debit to this head of grants paid from special provisions, *e.g.*, lump provisions for expenditure—(*a*) from Imperial grants and (*b*) from the surplus excise revenue. The current year's estimate includes the following special provisions :—

	Rs.
(*a*) Increase in the allotment for grants-in-aid to aided secondary schools	2,20,800
(*b*) Additional provision for grants to Mulla schools ...	65,608
(*c*) Additional grant in connection with the education of the children of the poorer sections of the domiciled community	44,628
(*d*) Additional grant-in-aid to the Sind Madressah-tul-Islam, Karachi	21,000

	Rs.
(*e*) Increased grant-in-aid to the David Sassoon Reformatory Institution on account of rations and clothing to the boys	20,000
(*f*) Education of defectives	12,620

Item (*a*).—Although the amount for grants-in-aid was raised by 2,25 in last year's budget (thus making a grand total of 10,33), it is reported that it will not fully meet the requirements of this year for all aided schools in municipal and local board areas at the usual one-third rate. It is estimated that an additional amount of Rs. 2,20,800 will be required to satisfy in full claims from aided schools in the several Divisions and this sum is provided in the current year's budget.

Item (*b*).—The amount of Rs. 65,608 is made up of the following provisions :—

	Rs.
(1) Additional grant for providing qualified assistants to Mulla schools	26,148
(2) Grant for the improvement of accommodation and equipment in Mulla schools	15,000
(3) Grant for lungis and other rewards	1,000
(4) Grant for the purpose of circulating libraries	4,000
(5) Grant for the distribution of books and writing materials ...	5,000
(6) Grant for prizes	3,000
(7) Grant for scholarships	11,460
Total ...	65,608

These provisions are intended to give effect to certain recommendations made by the Sind Mahomedan Education Committee.

Item (*c*).—The amount of Rs. 44,628 is made up of the following provisions :—

	Rs.
(1) for raising the age limit for boarding and tuitional grants (including the extra cost on account of the increase in the rate of boarding grant from Rs. 8 to Rs. 12 per mensem) ...	7,500
(2) for giving free education to poor children (*i. e.*, those who are strictly neither orphans nor positively destitute) by means of tuitional grants	6,000
(3) additional allotment for tuitional grants to destitute children required as a result of the removal of the limit of Rs. 3 per mensem imposed up to now on the amount of State aid to this class of pupils	3,000
(4) for raising the rate of boarding grants for orphans and destitute children from Rs. 8 to Rs. 12 per mensem per child ...	28,128
Total ...	44,628

These additional grants have been sanctioned with effect from last year.

Item (*d*).—The Sind Madressah at present receives an annual grant of Rs. 18,000. In consideration of its financial stringency and with a view to improving its teaching staff Government have sanctioned, as a special case, an additional grant of Rs. 21,000 per annum with effect from last year. At the same time the Madressah Board has been asked to take steps to raise subscriptions from the public and to report the result to Government.

Item (*e*).—This is due to the increased cost of articles of foodstuffs and clothing.

Item (*f*).—Government have decided to increase the rate of Government grants to schools for the blind and deaf mutes from one-third to two-thirds of their expenditure.

68. *Scholarships.*—The increase in the revised estimate for 1919-20 is due chiefly to the transfer to this head of the expenditure on scholarships from the lump provision for Mahomedan education. This cause accounts also partly for the increase in the current year's estimate which includes an additional provision of 12 for grant of scholarships to daughters of indigenous midwives.

69. *Lump provision on account of recurring and non-recurring Imperial grants.*—The current year's provision of Rs. 3,36,000 is made up of the following amounts :—

	Rs.	
(1)	55,425	from the unexpended balance of the Darbar grant of Rs. 6,70,000.
(2)	26,657	from the unexpended balance of the Imperial grant of Rs. 5,93,000.
(3)	40,278	from the unexpended balance of the Imperial grant of Rs. 1,00,000.
(4)	1,57,190	from the unexpended balance of the Imperial non-recurring grant of Rs. 31,00,000.
(5)	32,800	for capital expenditure from the unexpended balances of Imperial grants for hostels.
(6)	23,330	from the Imperial grant of Rs. 2,50,000.
(7)	694	from the unexpended balance of the Imperial non-recurring grant of Rs. 11,02,000.
	3,36,374	or Rs. 3,36,000 in round amount.

In addition to this amount a large sum is provided from the Imperial grants under the head 45, Civil Works, for educational buildings.

70. *Lump provision for Mahomedan Education.*—The last year's lump provision for Mahomedan Education in Sind was Rs. 49,000 and included Rs. 21,580 for special scholarships in secondary schools and Rs. 17,280 for similar scholarships in Arts Colleges. In the current year's budget a sum of Rs. 10,000 is provided under the minor head *Scholarships* and the balance is provided in lump.

71. The total expenditure estimate of 1,48,80 for 1920-21 under the major head 22, Education is exclusive of the following items which are provided under other heads for purposes connected with education :—

(1) Grant Medical College, Medical Schools at Poona, Ahmedabad and Hyderabad, College of Physicians and Surgeons of Bombay, and School of Tropical Medicine and Hygiene ...	19,24
(2) Construction and maintenance of Government educational buildings	13,25
(3) Agricultural education	6,95
(4) Veterinary College in Bombay	80
(5) Donations to scientific societies	21
(6) Allowances to Dakshina Fellows and others (Provincial share)	10
(7) Preservation and translation of ancient manuscripts ...	3
Total ...	40,58

The total provincial expenditure on educational objects in 1920-21 is thus estimated at 1,89,38.

XX-A. & 24-A. Medical.

Revenue.

	Accounts.			Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	1916-17.	1917-18.	1918-19.			
Medical School and College fees.	1,40	1,60	1,81	1,80	2,00	2,19
Hospital receipts	1,69	1,72	1,91	1,68	1,79	1,60
Lunatic asylum receipts ...	68	71	62	71	52	66
Contributions	39	47	38	37	44	42
Miscellaneous	4	10	8	5	5	3
Total ...	4,20	4,60	4,80	4,61	4,80	4,90

Expenditure.

	Accounts.			Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	1916-17.	1917-18.	1918-19.			
Medical establishment	3,05	3,29	3,49	3,64	5,00	4,69
Hospitals and Dispensaries ...	9,31	9,79	14,07	13,60	21,12	17,46
Grants for medical purposes ...	10	13	10	10	10	10
Medical Schools and College ...	3,14	3,21	3,36	5,14	3,85	6,45
Lunatic Asylums	2,93	3,11	3,53	3,48	4,17	4,12
Chemical Examiner	60	65	56	73	62	68
Refunds	4	16	20	10	20	20
Lump provision for expenditure out of the surplus excise revenue	...	...	...	9,38	...	18,69
Lump deduction for probable savings	...	...	...	...	...	−1,00
Total ...	19,17	20,34	25,31	36,17	35,06	51,39

72. The receipts and charges on account of sanitation were prior to the year 1917-18 exhibited under the major head "Medical." In view of the increased interest now taken in sanitation, it was decided to create a separate major head for the purpose in order to bring out more prominently the provision made and the expenditure incurred on that object. The former heads XX and 24, Medical were accordingly sub-divided into XX-A and 24-A, Medical and XX-B and 24-B, Sanitation.

Revenue.

73. The contribution of the Bombay Port Trust towards the charges on account of seamen treated at the St. George's Hospital is to be increased from 26 to 31 from the current year.

Expenditure.

74. *Medical Establishment.*—Enhanced salaries of Indian Medical Service Officers and the larger number of senior officers on duty mainly account for the increased expenditure provided in last year's revised and current year's budget estimates.

75. *Hospitals and Dispensaries.*—Large expenditure on supplies and services and contingencies of Government hospitals owing to high prices and increased number of patients, and enhanced salaries of Indian Medical Service Officers were mainly responsible for the increase in the revised estimate for last year. Current year's estimate provides for the salaries of Indian Medical Service Officers according to the revised scale. As compared with last year's budget larger provision is made for dieting and clothing charges of patients, but this provision is less than that included in the revised estimate. Moreover, provisions for the following objects have contributed to the increase in the budget of 1920-21 :—

(*a*) Reorganization of the nursing arrangements in the Presidency and increase of Government grants in aid of nursing at certain hospitals ;

(*b*) Opening of new dispensaries and increase of the Government grant-in-aid to the Lady Dufferin Hospital, Karachi ;

(*c*) Building grant for the Leper Asylum at Palghar ;

(*d*) Revision of the quinquennial contract grants of medical institutions.

Item (*a*).—The question of providing all Government institutions with nurses is under consideration. At present some institutions are fully equipped with nurses, others only partially so and the great majority not at all. It is therefore proposed to create a unified nursing service for the whole Presidency under the Bombay Presidency Nursing Association, and a scheme is being worked out in detail. In the meantime a provision of 2,50 (50 recurring and 2,00 non-recurring) is made in the budget of 1920-21. The budget also provides for increased grants to some of the existing nursing associations in the proportion of one-half of their expenditure.

Item (*b*).—The usual provision of 60 (20 recurring and 40 non-recurring) for opening new dispensaries is repeated in the current year's budget. In addition, a provision of 10 is made for increasing the grant-in-aid to the Lady Dufferin Hospital, Karachi, from 10 to 20 as the expenditure of the hospital, which was 31 when the original grant was sanctioned, has nearly doubled this year.

Item (*c*).—The Mission to Lepers in India and the East have under consideration a scheme for the establishment of a Leper Asylum at Palghar and they have applied to Government for a contribution towards the initial expenditure. Government have given an undertaking to bear two-thirds of the cost of constructing and equipping the asylum subject to a maximum of 16. Provision is made for the proposed grant-in-aid in the current year's budget.

Item (*d*).—The revision of the contract grants for the quinquennium beginning with 1920-21 is being undertaken. It is anticipated that owing to the general rise in prices, the grants will have to be raised. A lump provision of 40 for the increased charge is made in the current year's budget.

76. *Medical Schools and College.*—The scheme for the establishment of a school of Tropical Medicine has been submitted for the sanction of the Secretary of State. No part of the last year's provision of 1,00 for the scheme was utilized and a provision of 1,50 for the purpose is made in the current year's estimate. In addition a sum of 73 is included under this head for the establishment of a Central Hygiene Laboratory in connection with the school.

77. *Lunatic Asylums.*—Increased expenditure on diets of patients mainly accounts for the excesses in last year's revised estimate and the current year's budget estimate under this head.

XX-B. & 24-B. Sanitation.

Revenue.

—	Accounts.			Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	1916-17.	1917-18.	1918-19.			
Sanitation and Vaccination receipts	20	8	12	19	15	19

Expenditure.

—	Accounts.			Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	1916-17.	1917-18.	1918-19.			
Sanitation and Vaccination establishment	2,57	2,72	3,04	3,39	3,89	4,00
Grants for sanitary purposes ...	1,12	3,83	2,65	17,67	5,31	23,63
Expenses in connection with bubonic plague, malaria and epidemics	77	75	83	1,04	1,02	1,27
Bacteriological Laboratories and Pasteur Vaccine Institutes ...	15	53	1,64	1,00	1,00	87
Lump deduction for probable savings	...	...	...	...	...	−1,00
Total ...	4,61	7,83	8,16	23,10	11,22	28,77

Revenue.

79. Sale-proceeds of quinine, Sanitary Surveyors' Examination fees, and contributions for sanitary purposes are credited to this head.

Expenditure.

80. *Sanitation and Vaccination Establishment.*—The expenditure shown under this minor head relates mainly to (i) Sanitary Commissioner, Deputy Sanitary Commissioners and Health Officers and their establishments, (ii) Inspectors of Vaccination, and (iii) Charges of the Sanitary laboratory for Sind. A part of the charges on account of the Port Health Officers is recovered from the Port Trusts and these recoveries are deducted from the expenditure. The charges of the Belgaum Vaccine Depôt are also debited to this head, but a major portion of these is recouped by contributions from Local Boards, Municipalities, etc. The charges on account of the vaccination establishments employed under local bodies are almost wholly recovered from them. The last year's revised estimate and the current year's budget estimate include provisions for salaries of Indian Medical Service Officers on the revised scale and this, coupled with a larger number of senior officers on duty, accounts for the increased expenditure in last year's revised and current year's budget estimates.

81. *Grants for Sanitary purposes.*—The main items of expenditure recorded under this minor head are the following:—

(*a*) Grants for special expenditure in connection with sanitation;

(*b*) Grants-in-aid to local bodies in connection with the employment of Health Officers and Sanitary Inspectors;

(*c*) Grants to village Sanitary Committees; and

(*d*) Pilgrim charges.

Item (*a*).—A provision of 16,37 (including 9,37 from the surplus excise revenue) was made in last year's budget for this item, but about one-third of this provision remained unutilized. Moreover, a large portion of the outlay on sanitary objects has been debited in the accounts to other major heads. These factors account for the decrease in last year's revised estimate. In the current year's estimates a provision of 22,00 (including 11,00 from the surplus excise revenue) is made for this item.

Item (*b*).—Government pay local bodies, subject to certain conditions, grants-in-aid equal to 2/3rds of the pay of Health Officers and 1/3rd of the pay of Sanitary Inspectors employed in mofussil towns. Provision of 40 is made for this item in the current year's estimates.

Item (*c*).—Government give grants to Village Sanitary Committees in the proportion of one-fourth of their expenditure, the other three-fourths being contributed by local bodies and villagers. The last year's provision of 70 for the purpose has been raised to 81 in the current year's estimates.

Expenses in connection with bubonic plague, malaria and epidemics.—The increase in the current year's budget is due to the lump provision of 22 for an isolation camp at Karachi for the prevention of yellow fever.

82. *Bacteriological Laboratories and Pasteur Institutes.*—The decrease in current year's estimates is due to a larger estimate of recoveries from local Bodies, etc., on account of the plague serum supplied from the Bombay bacteriological Laboratory. These recoveries are deducted from the total expenditure and the net expenditure only is shown under the minor head.

25. Political.*

Expenditure.

	Accounts.			Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	1916-17.	1917-18.	1918-19.			
25. Political.						
Political Agents	4,91	5,30	5,59	5,45	5,96	6,11
Entertainment of Envoys and Chiefs	5	2	1	2	2	2
Darbar presents and allowances to Vakils, etc.	5	3	9	5	5	7
Miscellaneous	1	2	1	3	2	3

83. To this head are debited the charges on account of Political Officers serving under the Bombay Government and their establishments, including Jail and Medical establishments under agencies.

84. The above figures under "Political Agents" show net expenditure after deducting contributions from Indian States and Agency Funds concerned.

85. The increase in the revised estimate for 1919-20 was due to changes in personnel and privilege leave allowances of officers.

86. The increase in the budget estimate for 1920-21 as compared with last year's budget is due to the revision of the scale of pay of the Deputy Assistant Political Agents and to a larger estimate for salaries of officers.

XXI-A. & 26-A. Agriculture.

Revenue.

	Accounts.			Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate 1920-21.
	1916-17.	1917-18.	1918-19.			
Agricultural receipts ...	1,55	2,02	2,55	1,85	3,35	2,50
Veterinary receipts ...	24	23	32	23	33	35
Total ...	1,79	2,25	2,87	2,08	3,68	2,85

Expenditure.

	Accounts.			Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	1916-17.	1917-18.	1918-19.			
Agriculture	8,42	9,82	12,89	15,76	14,78	22,08
Veterinary charges ...	3,01	3,38	4,01	5,25	4,30	4,71
Co-operative Credit ...	1,17	1,44	1,65	1,84	2,02	2,52
Total ...	12,60	14,64	18,55	22,85	21,10	29,31

Revenue.

87. *Agricultural receipts* are made up mainly of the sale proceeds of farm produce and cotton seed and implements sold by the Agricultural Department. The last year's revised estimate included also the proceeds of the special famine operations of the Department.

88. *Veterinary receipts* consist mainly of the sale proceeds of bulls and stallions and the Bombay Veterinary College fees.

Expenditure.

89. *Agriculture.*—The Agricultural Department is being gradually expanded. The expert staff under the Director of Agriculture at present consists of the following officers:—

Five Deputy Directors for Sind, Gujarat, C. D., S. D. and Konkan.

One Deputy Director of Animal Breeding.

One Agricultural and Mechanical Engineer.

One Plant-breeding Expert.

One Sugarcane Expert.

Four Divisional Superintendents of Agriculture.

The post of Deputy Director of Animal Breeding was created last year and cattle breeding operations have been transferred from the Civil Veterinary Department to the Agricultural Department under the charge of this officer.

90. The figures of expenditure under the various sub-heads of this minor head for the years 1918-19 to 1920-21 are shown below :—

	1918-19.	1919-20.		1920-21.
	Accounts.	Budget estimate.	Revised estimate.	Budget estimate.
(i) Superintendence	71	75	71	80
(ii) Expert staff	3,93	3,91	4,50	2,87
(iii) Agricultural education ...	1,48	1,55	1,49	3,55
(iv) Experimental farms ...	4,62	4,44	6,03	8,26
(v) Botanical gardens	18	16	19	16
(vi) Special experiments ...	1,67	83	1,49	1,07
(vii) Miscellaneous	30	30	37	42
(viii) War allowances to establishment (lump)	...	15	...	...
(ix) Expenditure out of Imperial non-recurring grant for Agriculture	...	...	...	22
(x) Lump provision for the re-organization of the Upper and Lower subordinate staff of the Agricultural Department ...	...	10	...	...
(xi) Imperial non-recurring grant for certain Agricultural objects...	...	...	...	3,40
(xii) Imperial allotment for expenditure out of profits from the wheat scheme	...	89	...	22
(xiii) Imperial allotment for Agricultural education ...	...	2,68	...	1,11
Total ...	12,89	15,76	14,78	22,08

Item (ii).—The increase in last year's revised estimate was due to larger expenditure on contingencies. The budget for 1919-20 included also a lump provision of 1,00 for storage of fodder. With reference to this it may be mentioned that the Director of Agriculture has been asked to make arrangements for the installation at Karajgi in the Dharwar district of a shredding and baling plant to deal with purchased *karbi*. A commencement is to be made with two shredders and one press, but provision will be made for the doubling of this plant, if necessary, later. Contracts will also be given on certain conditions for the right to remove grass from certain forests and Government waste lands with a view to maintaining reserves of grass in steam pressed and hydraulic pressed bales. In accordance with the arrangements thus made the stocks, which will now be available as reserves if no famine years intervene, will be as follows :—

575 lakhs pounds for the Northern Division and Kathiawar, to be stored at Nawapur, Palghar and Godhra as against nearly 13½ crores despatched during the past famine ;

485 lakhs for the Deccan and Southern Maratha Country, consisting of three crores of grass at Manmad and 185 lakhs of *karbi* at Kopargaon and Karajgi, as against 630 lakhs moved during the past famine.

The provision thus made is only intended to meet the necessities of the first few months of a fodder famine and cannot be expected to cover the demands of a year of widespread distress.

Item (iii).—The scheme of agricultural education at present being carried out consists in the provision of an Agricultural College at Poona, of University rank, where an endeavour is made to give the most thorough education in scientific agriculture, and a

number of agricultural boarding schools conducted entirely in the vernacular. The number of students in the College increased from 104 in 1912 to 170 in 1919 and the demand for the graduates is now so great that a good man can always obtain a suitable outlet for his energies and the number of landholders' sons who intend to manage their own lands tends to increase. There is a demand for specialized courses in dairying, in horticulture and in several other branches of agricultural work. It is proposed to extend the College in six years to accommodate 250 students and to provide within that time the land, the buildings and the staff necessary to deal with this number. A provision of 1,09 is made under this sub-head for the acquisition of land, construction of certain buildings and equipment for the College in addition to the provision of 2,20 from the current year's Imperial grant of 3,47 shown under item (xi). A provision of 13 is also made under this head for recurring expenditure on account of the entertainment of a Professor of Horticulture and a Mycologist. Nine agricultural schools are at present established or will shotly be ready. Government propose to establish at least one vernacular school in every disrrict. With this end in view a provision of 45 is made under this head for three new schools and an additional amount of 1,20 for three such schools is included in the provision of 3,40 under item (xi). Provision for recurring expenditure for the whole year on account of the new schools is also made in the budget. This explains the large increase in the budget estimate for 1920-21.

Item (iv).—The charges of cattle breeding farms are now transferred from the minor head *Veterinary Charges* to this sub-head. Larger expenditure is also being incurred on contingencies of these farms. These factors contribute to the increase in the last year's revised and current year's budget estimates. The budget for 1920-21 includes also the following important new provisions :—

(*a*) Special grant in connection with the Cbharodi Cattle farm in North Gujarat, for dividing the farm by fencing into seven plots of about 400 acres each, for constructing new silos for keeping fodder, etc.	40
(*b*) Non-recurring expenditure on purchase of cattle, and recurring expenditure in connection with the cattle breeding farm at Bankapur in the Dharwar District	34
(*c*) Recurring and non-recurring expenditure on the Willingdon Cattle farm at Karachi	65
(*d*) Opening of new demonstration farms at Baramati in the Poona district and at Bagalkot in the Bijapur district ...	20
(*e*) Construction of office and quarters at the Karjat farm ...	23

Items (ix) and (xi) to (xiii).—The provisions in the current year's budget against these items represent unspent balances of Imperial grants. Item (xi) is the balance of the new grant of 3,47 given during last year, the other items represent unspent balances of old grants. The grant of 3,47 is intended for agricultural education and is to be spent on the following objects :—

(*a*) Additional land for the Agricultural College, Poona ...	1,00
(*b*) Buildings and equipmenmt for the Agricultural College, Poona	1,20
(*c*) Construction of three new agricultural schools ...	1,20
(*d*) Additional buildings for the agricultural school at Jambul	7
Total ...	3,47

91. *Veterinary Charges.*—As noticed in the preceding paragraph the charges on account of cattle breeding operations are now transferred to the minor head "Agriculture" and the charges on horse breeding operations continue to be debited to the head "Veterinery charges." The increase in the current year's budget estimate as compared with the last year's revised estimate is due mainly to the non-utilization of the last year's provision of 20 for the reorganization of the Glanders and Farcy Departments, and of 24 for the expansion of the Civil Veterinary Department, for which provisions of 25 and 24 respectively are made in the budget estimate of 1920-21.

92. *Co-operative Credit.*—The gradual increase of expenditure under this head is due to the growth of the operations of the department and to the increased provision for the pay of the Registrar, as a senior Indian Civil Service officer is now appointed Registrar.

XXI-B & 26-B. Scientific and Miscellaneous Departments.

Revenue.

	Accounts.			Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	1916-17.	1917-18.	1918-19.			
Emigration fees	2	2	...	1	...	...
Examination fees	13	16	18	19	20	20
Fees for Inspection of Steam Boilers (including examination fees)	...	1,00	70	75	68	75
Miscellaneous	24	30	24	27	1,12	40
Total ...	39	1,48	1,12	1,22	2,00	1,35

Expenditure.

	Accounts.			Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	1916-17.	1917-18.	1918-19.			
Provincial Museums ...	...	...	...	...	10	20
Donations to Scientific Societies.	11	41	11	11	12	21
Inspector of Factories ...	57	60	60	68	62	77
Steam Boiler Inspection establishment	11	82	85	92	84	1,04
Provincial Statistics ...	37	35	36	37	36	36
Preservation and translation of ancient manuscripts ...	3	3	1	3	1	3
Examinations	19	20	22	27	27	29
Registrar of Companies ...	25	25	29	36	34	33
Miscellaneous	1	1	1,39	1,50	2,17	36
Refunds	...	1	1	1	2	1
Development of Industries ...	...	10	73	5,05	1,40	7,77
Total ...	1,64	2,78	4,57	9,30	6,25	11,37

Revenue.

93. *Examination fees.*—The fees on account of the Vernacular Final Examination and the Public Works Accountants' Examination and the fees recovered by the Civil and Military Examination Committee are credited to this head.

94. *Fees for Inspection of Steam Boilers.*—The receipts and charges of the Steam Boiler Inspection Department, which formed a Local Fund, were provincialized with effect from 1917-18. The actuals of that year include also the sale proceeds of the securities belonging to the old fund.

95. *Miscellaneous.*—The fees for registering Companies and Societies are credited to this head, and the increase in the last year's revised estimate is due to the present boom. The current year's estimate of receipts from this source allows for a small increase over the last year's budget.

Expenditure.

96. *Provincial Museums.*—Government have promised an annual grant of 30 towards the maintenance of the Prince of Wales Museum of Western India. The premises which were occupied by Military authorities will not be ready for use as a Museum for some time, and a provision of 20 for the Governmen$_t$

contribution for eight months is made in the current year's budget. The Museum Committee also receives an annual contribution of 25 from the Bombay Municipality towards the Museum. This contribution is also in effect a grant from Government as the amount of the contribution was taken as a set off against the Municipality's share of the City Police charges taken over by Government in 1907.

97. *Donations to Scientific Societies.*—The actuals of 1917-18 include a grant-in-aid of 30 to the Cama Institute of Oriental Learning as a special endowment fund for the formation of a fellowship. The current year's budget contains a provision of 10 for the proposed increase from 5 to 15 of the Government grant to the Natural History Society.

98. *Inspector of Factories and Steam Boiler Inspection establishment.*—Proposals for the amalgamation of the Factory, Steam Boiler and Smoke Nuisance Departments, and for the increase of the salaries of the Inspectors in those Departments have been recently sanctioned by the Secretary of State. The current year's budget contains provisions for the additional cost involved in these proposals.

99. *Provincial Statistics.*—The charges on account of establishments entertained for collection of statistics of rail-borne traffic are debited to this head.

100. *Miscellaneous.*—The amount shown in the last year's budget and revised estimates are in connection with the charges incurred by the Controller of Prices and Director of Civil Supplies. These charges are covered by corresponding assignments from India. No specific provision for such expenditure is made in the current year's budget. The amount of 36 provided in the budget of 1920-21 is intended for the charges of the Director of Information whose appointment has recently been sanctioned.

101. *Development of Industries.*—The Department of Industries has recently been established. It is intended to develop the Department on the lines indicated in the Report of the Indian Industrial Commission. The constitution of the Department upto now, in addition to the Director and the Deputy Director, is briefly as follows :—

(*i*) *Weaving.*—The weaving establishment under the Registrar of Co-operative Societies has been transferred to the Director of Industries and has been strengthened.

(*ii*) *Industrial Engineering.*—The appointments of a Deputy Director and three Industrial Engineers have already been made. The Dapuri Workshops have been transferred from the Public Works Department to the Department of Industries.

(*iii*) *Fisheries.*—The appointment of a Superintendent of Fisheries has been created. It may be expected that this Department will ultimately be controlled by a Marine Biologist with two Superintendents to assist him. Negotiations are in progress for the purchase of a steam trawler and for the appointment of a master and skipper and a first hand to work it.

(*iv*) *Pottery.*—The services of the Superintendent of Pottery in the Educational Department have been placed temporarily under the Department.

(*v*) *Chemists.*—An Assistant Chemist and a research scholar have been appointed temporarily. Their work is supervised by two part-time advisers to the Department—Mr. Turner of the V. J. Technical Institute and Dr. Meldrum, Professor of Physics and Chemistry at the Gujarat College.

The current year's budget of 7,77 includes a provision of 5,00 for the development of the Department and of 42 for the Dapuri Workshops transferred from the Public Works Department.

XXII. & 29. Superannuations.

Revenue.

	Accounts.			Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	1916-17.	1917-18.	1918-19.			
Contributions for pensions and gratuities	4,59	4,80	5,77	5,20	7,20	7,20

Expenditure.

	Accounts.			Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	1916-17.	1917-18.	1918-19.			
Superannuation and retired allowances	38,13	39,96	41,69	43,50	42,10	44,00
Compassionate allowances ...	34	44	38	42	44	44
Commuted value of pensions ...	58	54	74	1,00	1,50	1,25
Gratuities	10	8	13	19	11	12
Covenanted Civil Service pensions	16	13	21	23	20	23
Donations to Service Fund ...	2	2	7	7	12	15
Refunds	...	2	2	2	2	2
Total ...	39,33	41,19	43,24	45,43	44,49	46,21

XXIII. & 30. Stationery and Printing.

Revenue.

	Accounts.			Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	1916-17.	1917-18.	1918-19.			
Stationery Receipts ...	12	22	19	24	15	18
Sale of gazettes and other publications	20	33	35	34	52	45
Other press receipts ...	1,16	1,41	1,43	1,42	1,33	1,27
Total ...	1,48	1,96	1,97	2,00	2,00	1,90

Expenditure.

	Accounts.			Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	1916-17.	1917-18.	1918-19.			
Stationery Office at the Presidency	48	47	53	52	64	60
Stationery purchased in the country	83	85	86	85	95	92
Government presses ...	5,77	4,78	6,00	7,44	6,45	7,22
Printing at private presses ...	3	2	3	6	3	6
Stationery supplied from Central Stores	7,61	8,24	10,38	11,00	11,00	11,00
Total ...	14,72	14,36	17,80	19,87	19,07	19,80

Revenue.

102. The figures do not call for any special remarks.

Expenditure.

103. *Government presses.*—The decrease in the revised estimate for 1919-20 was due to the non-utilization of the provision for the purchase of a monotype key board and caster for the Government Central Press, and to savings in the provision for piece-work establishments at that Press. The current year's budget estimate provides for the following important items :—

	Rs.
(i) Purchase of machinery for the Yeravda Press ...	50,000
(ii) Purchase of monotype key boards and casters complete with motors for the Government Central Press	30,000

The decrease in the total provision as compared with the budget estimate for 1919-20 is however due to smaller provision for piece-work establishment under Government Central Press.

XXV. & 32. Miscellaneous.

Revenue.

	Accounts.			Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate 1920-21.
	1916-17.	1917-18.	1918-19.			
Unclaimed deposits ...	76	1,03	71	72	74	74
Treasure Trove ...	...	...	...	1	1	1
Sale of old stores and materials.	8	14	12	11	8	8
Fees for Government audits ...	5	11	8	10	8	8
Rents	10	10	10	10	10	10
Miscellaneous fees, fines and forfeitures	28	36	74	60	50	50
Miscellaneous	1,15	77	40	51	1,23	51
Sale proceeds of Darbar presents	...	2	1	1	1	1
Recoveries of famine expenditure	1	2	2	...	...	...
Total ...	2,43	2,55	2,18	2,16	2,75	2,03

Expenditure.

	Accounts.			Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	1916-17.	1917-18.	1918-19.			
Allowances to civil servants out of employ	...	1	...	...	...	...
Rewards for proficiency in oriental languages and allowances to Language Examination Committee	19	13	12	18	10	18
Annual stipends to holders of literary titles	1	...	...	1	1	1
Cost of books and publications .	18	19	16	9	9	2
Donations for charitable purposes	51	46	80	90	87	1,77
Charges on acccunt of European vagrants	10	11	10	41	14	81
Rewards for the destruction of wild animals	6	2	...	...	...	...
Special Commissions of Inquiry.	...	2	14	2	30	2
Irrecoverable temporary loans written off	25	31	3	30	25	30
Rents, rates and taxes ...	2,45	2,48	2,47	2,49	2,99	2,77
Contributions	59	99	1,59	3,20	2,45	5,29
Miscellaneous and unforeseen charges	9	9	9,84	2,06	10	1,05
Miscellaneous refunds ...	7	5	13	8	8	8
Miscellaneous charges for the treatment of patients at the Pasteur Institue ...	1	1	2	1	1	1
Loss on specie remittances ...	...	...	2	...	10	...
War boards	...	...	1,20	1,38	60	1
Peace celebrations ...	...	...	...	...	1,11	...
Total ...	4,51	4,87	16,62	11,13	9,20	12,32

Revenue.

104. *Miscellaneous.*—The increase in the revised estimate over last year's budget arises from the special recovery of over-payments made in connection with the sale of rice to Messrs. Ralli Brothers.

Expenditure.

105. *Donations for charitable purposes.*—The increase in the Budget estimate for 1920-21 as compared with the budget for 1919-20 is due mainly to the provisions on account of the following items :—

Annual grant-in-aid of 5 and a building grant of 75 to the Society for the protection of children in Western India	80
Building grant to the Kune Kathkari Industrial Settlement at Khandala	10
	90

106. *Charges on account of European Vagrants.*—The decrease in the last year's revised estimate as compared with the budget is due to the non-utilisation of the provision for the construction of a building for the European Workhouse. The budget estimate for 1920-21 includes a larger provision, viz., 68 against the last year's provision of 28, for this object. The increased provision is necessary because it is intended to erect a self-contained two-floor building with accommodation for the residence of an officer instead of the mere work and living shed originally planned, and because the cost of labour and materials has greatly increased.

107. *Special Commissions of Enquiry.*—The increase in the revised estimate for 1919-20 is due to the expenditure on account of the printing of records of the Rasai Committee and to the charges for the special Tribunals at Ahmedabad.

108. *Rents, Rates and Taxes.*—The budget estimate for 1920-21 provides for an increase of 29 in respect of the payment to be made to the Bombay Municipality on account of General Tax on Government properties.

109. *Contributions.*—The chief items of expenditure which are debited to this head are grants made for no specific purpose to Municipalities, Local Boards, etc., such as grants to cover a deficit balance or a compensation for revenue resumed, etc., which cannot be classed with reference to the objects to which they are to be devoted. The large increase in the budget estimate for 1920-21 is due to the following items:—

(*a*) Additional provision for grants-in-aid to District Local Boards in the Presidency proper in connection with the abolition of tolls on their roads ...	1,69
(*b*) Additional provision on account of subventions to District Local Boards to which non-official Presidents with a self-contained office may be appointed.	15
(*c*) Subsidy to the Bombay Municipality in connection with the abolition of tolls leviable on vehicles entering Bombay City from Salsette	25

Item (*a*)—In last year's budget a sum of 1,40 was provided for the purpose. Out of this, grants aggregating 56 have so far been sanctioned to the following District Local Boards :—

Ahmedabad.	Bijapur.
Satara.	Nasik.
Kanara.	Thana (for abolition of tolls on Bandra-Ghodbunder Road).

It has been decided that the tolls on the remaining Local Board roads should be abolished with effect from 1st April 1920 and compensation paid to the boards concerned and that those local boards which abolished tolls *suo motu* before 1914, either partially or wholly, should also be paid compensation. The amount required in this connection is estimated at 3,09 against the last year's provision of 1,40, and a further sum of 1,69 is provided for the current year.

Item (*b*)—The budget estimate for 1920-21 provides 91 against the last year's provision of 76.

Item (c)—The Bombay Municipal Corporation have agreed to the repeal of section 190 of the City of Bombay Municipal Act with a view to discontinuing the toll leviable on vehicles entering the city from Salsette which are not liable to the tax leviable under section 180 of the Act in return of an annual subsidy of 25 from Government.

110. *Miscellaneous and unforeseen charges.*—The high figures of the actuals of 1918-19 are due to the adjustment in the accounts of the loss in respect of rice transactions with Messrs. Ralli Brothers. The budget estimate for 1919-20 included a provision of 2,00 for reserve with the Financial Department for unforeseen charges and for additional postage and telegram charges. As expenditure met from this provision will be debited to the heads concerned, the revised estimate shows a large decrease. The absence of a lump provision under this head for additional postage and telegram charges is responsible for the decrease in budget estimate for 1920-21 as compared with the budget for last year.

111. *War Boards.*—The War Purposes Board and the Committees under it except the Re-settlement Committee were closed during last year. This accounts for the decrease in the revised estimate for 1919-20. The small provision in the budget estimate for 1920-21 is on account of the charges of the Re-settlement Committee which continued till the end of last year.

112. *Peace Celebrations.*—The revised estimate for 1919-20 takes account of the amounts placed at the disposal of district officers in connection with the peace celebrations. These amounts are exclusive of the charges on account of illuminations which will be debited to Public Works grants.

33. Famine Relief.

Expenditure.

	Accounts.			Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	1916-17.	1917-18.	1918-19.			
Expenditure. Civil ...	...	20	21,99	60,00	28,89	...
Public Works...	...		5,21		18,34	...
Total ...	...	20	27,20	60,00	47,23	...
Provincial one-fourth share ...	...	5	6,80	15,00	11,80	...

113. Since 1917-18 the expenditure under this head is shared between Imperial and Provincial in the proportion of 3 to 1. The revised estimate for the year 1919-20 reflects the later and therefore more correct appreciation of the situation.

XXIX. & 42. Irrigation—Major Works.

Revenue.

	Accounts.			Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	1916-17.	1917-18.	1918-19.			
Portion of Land Revenue due to Irrigation	29,09	26,74	19,56	26,00	25,00	26,60
Provincial one-half share ...	14,55	13,37	9,78	13,00	12,50	13,30
Direct receipts	16,81	15,86	12,51	17,00	20,00	20,03
Provincial one-half share ...	8,41	7,93	6,26	8,50	10,00	10,02

Expenditure.

	Accounts.			Budget estimate, 1919-20.	Revised. estimate, 1919-20.	Budget estimate, 1920-21.
	1916-17	1917-18.	1918-19.			
Working Expenses ...	15,58	1,789	19,07	17,51	20,32	18,64
Provincial one-half share ...	7,79	8,95	9,54	8,75	10,16	9,32
*Interest on debt ...	25,14	27,43	28,08	29,47	29,11	30,40
Provincial one-half share ...	12,57	13,71	14,04	14,74	14,56	15,20

* This item is not open to discussion.

114. For purposes of classification in the accounts, irrigation works are divided into (*a*) Productive Works, (*b*) Protective Works and (*c*) Minor Works and Navigation.

115. *Productive Works* are of a remunerative character undertaken for the improvement of the country. The capital outlay on these works is met from borrowed money and is recorded under the wholly Imperial head 49, Irrigation Works. The interest and the cost of maintenance and working are provided out of current revenues, the income being credited thereto. The receipts are credited to the head XXIX, and the interest and working expenses are debited to the head 42, Irrigation—Major Works and both are divided equally between Imperial and Provincial.

Works which, although not directly remunerative to the extent which would justify their inclusion in the class of Productive Works, are calculated to guard against or diminish future expenditure on famine relief are termed *Protective Works.* The cost of the construction of such works is paid out of the annual grants under famine relief and insurance and is charged to the wholly Imperial head 35, Protective Irrigation Works. The receipts and interest and working expenses are, as in the case of Productive Works, classed under the heads XXIX, and 42, Irrigation—Major Works.

116. The head *Minor Works and Navigation* includes all classes of irrigation works other than the above. These are paid for out of current revenues and are classed under the head 43, Irrigation—Minor Works and Navigation.

Revenue.

117. Land Revenue due to major productive and protective works is shown under *Portion of Land Revenue due to Irrigation,* no separate account being kept for a considerable amount of land revenue earned by minor irrigation works. The decrease in the revised for 1919-20 is attributed to deficiency of water in the Eastern Nara, Unharwah, Jamrao and Dad canals. The budget for 1920-21 is based on the estimates furnished by District Officers.

118. *Direct receipts.*—The increase in the revised for 1919-20 is due mainly to the recovery of arrears on account of the sale of water from certain irrigation works. The increase in the budget for 1920-21 is due to better receipts anticipated from the Hathmati and Khari Cut canals and larger sale of water expected from the Godavari and Mutha canals.

Expenditure.

119. *Working Expenses.*—The increase in the revised for 1919-20 is due to larger expenditure on works, repairs and establishments. The increase in the budget for 1920-21 as compared with last year's budget is due mainly to higher cost of labour and materials.

120. *Interest on Debt.*—Interest on the irrigation debt is calculated at the average rate of interest paid during the year on the total public debt of the Government of India. The capital outlay upon which interest is calculated in 1920-21 is that incurred up to the end of 1919-20, *plus* half the estimated outlay during 1920-21. The average rate of interest adopted for 1919-20 and 1920-21 is 3·4818 per cent.

XXX & 43. Irrigation—Minor Works and Navigation.

Revenue.

	Accounts.			Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	1916-17.	1917-18.	1918-19.			
Public Works Department ...	3,47	3,83	3,56	3,60	4,00	3,90
Provincial one-half share ...	1,73	1,92	1,78	1,80	2,00	1,95

Expenditure.

	Accounts.			Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	1916-17.	1917-18.	1918-19.			
Civil Department ...	...	...	1	1	27	25
Public Works Department ...	24,97	28,33	31,11	34,57	38,80	50,12
Total ...	24,97	28,33	31,12	34,58	39,07	50,37
Provincial one-half share ...	12,49	14,16	15,56	17,30	19,54	25,19

Revenue.

121. The revised estimate for 1919-20 is based on the latest actuals available and the budget for 1920-21 nearly follows the revised estimate.

Expenditure.

122. *Civil Department.*—The outlay represents charges on account of the repair of small irrigation tanks and free grants for the encouragement of irrigation in precarious tracts.

123. *Public Works Department.*—The increase in the revised estimate for 1919-20 is due to the large additional grants sanctioned during the year for works and repairs. Larger provision is made in the budget for 1920-21 for new works, while the higher cost of labour and materials helps to swell the charges.

XXXI & 45, Civil Works.

Revenue.

	Accounts.			Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	1916-17.	1917-18.	1918-19.			
Civil Officers ...	1,16	6	5	5	5	5
Public Works Officers ...	3,81	5,28	4,49	4,00	7,10	6,50
Total ...	4,97	5,34	4,54	4,05	7,15	6,55

Expenditure.

	Accounts.			Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	1916-17.	1917-18.	1918-19.			
Civil Department ...	8,03	7,95	9,56	16,90	18,66	17,20
Public Works Department ...	67,10	81,80	1,08,50	1,30,00	1,44,00	1,71,75
Total ...	75,13	89,75	1,18,06	1,46,90	1,62,66	1,88,95

Revenue.

124. *Civil Officers.*—Fees for masonry graves and receipts in respect of travellers' bungalows and miscellaneous public improvements are credited to this head. Recoveries of overpayments in past years and refunds of grants-in-aid are treated as miscellaneous receipts under this head. The actuals for 1916-17 included 1,07 on account of the refund by the Alandi municipality of the amount of grant-in-aid paid in 1915-16 towards its water-supply scheme.

125. *Public Works Officers.*—The receipts consist mainly of rents of buildings in charge of the Public Works Department, sale-proceeds of buildings, materials and produce, net profits from workshops and fines levied from contractors for failure in the execution of works. The increase in the revised for 1919-20 as compared with the budget is due to higher receipts expected from sales of buildings and from fines, etc. The budget for 1920-21 follows the revised estimate for 1919-20 after making allowance for the larger receipts from sales of buildings during last year.

Expenditure.

126. *Civil Department.*—The following are the principal items of expenditure during the three years 1918-19 to 1920-21 :—

No.	Particulars.	Accounts, 1918-19.	Budget, 1919-20.	Revised, 1919-20.	Budget, 1920-21.
1	Grants to the Mahabaleshwar Local Fund and to local bodies other than District Local Boards for local public works.	75	7	45	7
2	Grants to Local Boards for village water-supply.	1,65	1,00	2,08	1,20
3	Grants to District Local Boards for local public works.	7,16	15,63	16,13	15,73
4	Discretionary grants to Commissioners for general purposes of a public nature, rewards to specially deserving persons, and other objects.	...	20	...	20
	Total ...	9,56	16,90	18,66	17,20

Under item (1) provision is made for normal charges. The expenditure under item (2) for 1918-19 and 1919-20 is high owing to special grants sanctioned for the improvement of village water-supply in the districts affected by scarcity. Under item (3) provision has been made for the additional grants of 8,24 to District Local Boards for communications and other local improvements sanctioned with effect from 1919-20 and for a grant-in-aid of 10 for the construction and repair of roads in irrigated tracts.

127. *Public Works Department.*—The budget grants allotted for expenditure under this head vary from year to year according to the financial

situation. The grant for the current year has been fixed at 1,71,75. The recurring charges are estimated by the Public Works Department at 58,50 as shown below :—

Repairs		34,00
Establishment		20,00
Tools and plant		4,50
Total ...		58,50

The balance of 1,13,25 out of the allotment of 1,71,75 is distributed as follows :—

Works in progress	67,00
Discretionary grants	10,00
Reserve	2,20
New Works	34,05
Total ...	1,13,25

The provision for " Works in Progress " will be utilised mainly on the following works for which an allotment of 10 or more has been sanctioned in each case :—

Administration.

Works connected with the three Government Houses (3,12), Civil buildings on the old jail site at Karachi (2,00), distillery at Deolali (90), extension of the central offices in Poona (70), additional accommodation in the warehouse at Bubak in the Western Nara District (40), bungalow for the Chief Conservator of Forests, Poona (38), bungalow for the Conservator of Forests, Central Circle (35), distillery at Kotri (30), general excise office and lock-up, Bombay (30), bonded liquor warehouse at Thana (27), Mamlatdar's kacheri at Balsad (20), revenue buildings at Palghar (20), Mamlatdar's kacheri at Karmala, Sholapur District (15), and quarters for the Mahalkari and his establishment at Mokhada, Thana District (14).

Education.

Quarters for the staff and servants of the David Sassoon Industrial and Reformatory Institution at Matunga (50).

Law and Justice.

Small Causes Court, Karachi (1,75), Honorary Presidency Magistrates' Court at Girgaon, Bombay (75), Court house at Koregaon, Satara District (25), Sub-Judge's court at Gokak, Belgaum District (20), and bungalow for the first Additional Judicial Commissioner of Sind (10).

Jails.

Acquisition of land for the new jail for Bombay at Chembur, Thana District (2,00), Jail at Hindalgi, Belgaum District (70), re-roofing of the sleeping barracks in the D. C. Jail, Yeravda (50), and new Civil Jail at Karachi (25).

Police.

Additional quarters at the headquarter police lines at Karachi (1,75), central police station and residential quarters for officers of the Alexandra Dock Police (1,00), bungalows for the Inspector General of Police and Deputy Inspector General of Police at Yeravda (89), quarters for one Police Inspector and two Sub-Inspectors in the Souter Police Lines and quarters for one Police Inspector, two Sergeants and two Sub-Inspectors in the city police lines at Karachi (85), Cantonment police lines, Poona (70), headquarter police lines at Dharwar (50), Dhulia (50), Rajkot (16), Kumta (13), Malvan (12), Belgaum (10), police lines at Bhusawal (55), Crater, Aden (50), Hubli (50), Pandharpur (36), Dakore (29), Budhapur (25), Ankleshwar (25), Panvel (22), Tarai (22), Mhasurli (20), Thalner (20), Mahad (20), Deolali (15), Borivli (15), and Dhrafa (10), railway police lines at Kirkee (45), and Dadar (36), town and headquarter police lines at Godhra (36), additional quarters in the Gulandaz police lines, Karachi (30), office and quarters for the Deputy Superintendent of Police, Aden (25), new police station house for the cantonment, Poona (20), alterations to the old police lines and additional headquarter police lines at Ratnagiri (18), taluka police lines, additions and alterations to town police lines and quarters and office for Sub-Inspector at Nadiad (14), and huts for the police in connection with the Sinhast fair at Trimbak in the Nasik District (10).

Medical.

Quarters for clerks, stewards, etc., at the J. J. Hospital, Bombay (50), infectious diseases hospital, Poona (45), King Edward Memorial Hospital, Sholapur (40), bungalow for the Deputy Sanitary Commissioner, Poona (28), construction of out-patients'

department in the compound of the J. J. Hospital (21), filling in the tank in the compound of the Bombay Bacteriological Laboratory (20), additional accommodation for the lunatics at Naupada (19), quarters for nurses at the Cama and Allbless hospitals Bombay (19), outdoor dispensary at the civil hospital, Ahmednagar (17), bungalows for the Deputy Sanitary Commissioner, Nasik (15) and the Civil Surgeon, Nasik (14), additions and alterations to the central lunatic asylum at Yeravda (14) and sinking of a well in the compound of the Vaccine Institute, Belgaum (10).

Miscellaneous Civil Buildings.

Bungalows for the Superintending Engineers, Indus Right and Left Bank Divisions (73), Public Works Department colony buildings, Poona (70) and Assistant Engineer's bungalow at Broach (10).

Communications.

Road from Karachi to Hub river (1,50), improvements to the Khandesh-Nizam's frontier road, Nasik District (80), high level causeway over the Krishna on Sholapur-Hubli road (60), causeway across the Krishna on the Gotur-Tasgaon road, Belgaum District (60), bridge over the Darna (55), high level causeway over the Ghatprabha on Sholapur-Hubli road (55), Karachi cemetery Drigh road (50), improvements to Poona-Sholapur road (50), bridge on the Ghod river on the Poona-Nasik road in Mile No. 41 (50), strengthening the platform of Ellis bridge, Ahmedabad (50), Manmad-Chandor road (45), Malegaon-Chalisgaon road (45), extension of the Dhulia-Bhusaval road to Nimar frontier (Warangaon to Edlabad) (45), Chalisgaon-Nasik frontier road (40), improvements to Poona-Nasik road (40), metalling Dhandhuka-Dholera road, Ahmedabad District (35), causeway over the Girna on the Dhulia-Bhusaval road (35), extension of the Dhulia-Bhusaval road to the Berar frontier (35), widening the Bombay-Agra road between Thana and Kurla (32), Dhadgaon-Mandvi road, West Khandesh District (31), road from Otur to Brahmanwada, Poona District (30), causeway over the Malaprabha on the Sankeshwar-Ron road (27), causeway over the Sina at Lamboti, Sholapur District (26), Karmala-Ahmednagar road at Lamboti in the Ahmednagar District (25), causeway over the Ghatprabha on the Sankeshwar-Ron road, Belgaum District (25), causeway at Kolhar, Ahmednagar District (25), improvements to Sadashivgad-Kadra road, Kanara District (25), dips on the Hatkhamba-Poladpur road (25), causeway over the Malaprabha on Belgaum-Hungund road (25), road from Savalvihir to Bharwas, Ahmednager District (25), causeway at Rahuri, Ahmednagar District (24), dips on the Pali-Phonda road in the Ratnagiri District, (23), improvements to Poona-Bangalore road (23), road from Bhatkal to Mysore frontier (23), bridge in mile 120 of the Hubli-Gadag road section of the Karwar-Bellari road (20), road from Lakh to Devlali and from Lakh station to Bel-Pimpalgaon, Ahmednagar District (20 each), bridging nalas on Mahad-Nagothna road, Kolaba District (20), improving Karka-Shamjoida road, Kanara District (20), causeway on Jolapur nala near Devalpur, Bijapur District (19), low level bridge over the Godavari at Kopargaon, Ahmednagar District (18), improvements to the Mahad-Pandharpur road, Lonand District (15), improving the road from Indapur to Sarati, Poona District (15), diverting Harnai-Khed road in the 5th and 6th miles (15), improvements to the Ahmednagar-Dhond road (14), Ghatghar-Shendri road, Ahmednagar District (13), road from Deolali to Belapur (13), diverting Harnai-Khed road in the 13th and 14th miles (13), causeway over the Bori on the Amalner-Tapti road, East Khandesh District (12), improvements to the road from Nasik to the Railway Station (11), improvements to Baramati-Sangvi road (10), link road between Sholapur-Barsi and Poona-Sholapur roads (10), causeway across the river Burai on Songir-Taloda road, West Khandesh District (10), and road from Deogad to Mandvi (10).

Miscellaneous Public Improvements.

Visapur tank (90), Kennedy Sea Face wall, Bombay (50), disposal of Poona Sewage effluent (35), and improving the Government road connecting Harkness road with Narayan Dabholkar road, Malabar Hill (11).

Contribution Works.

Constructing the Gate Way of India on the Appollo Bunder (Pavilion to commemorate the visit of His Majesty the King-Emperor (1,50), Royal Science Institute (25) and Prince of Wales Museum of Western India (10).

128. In the budget for 1920-21 provision is made for the following new major works costing more than 10 in each case :—

Administration.

Resumption of bungalows at Bombay	1,00
Liquor warehouse, Bombay	80
Buildings at Ahmedabad to replace the burnt buildings	60
Bungalow and Office of the Deputy Commissioner of Salt and Excise, Ahmedabad	51
Government House bungalows	45
Acquisition of bungalow No. 1, Lothian Road, Poona	42

Liquor warehouse, Broach	27
Assistant Collector's bungalow at Rohri	20
Kardarate at Sukkur	20
Kardarate at Tarai	18
Re-roofing Mamlatdar's kacheri at Patan	10
Divisional Forest Officer's bungalow at Surat	10

Law and Justice.

District and Sessions Court at Larkana	50
Two lifts at the new Court of Small Causes, Bombay	43
Fire-proof building for the High Court records in the open space at the back of the High Court, Bombay	25
Court house for the Resident Magistrate, Nawabshah	12
Additional court room and chambers over the new record room in the compound of the Judicial Commissioner's Court at Karachi ...	10
Additions and alterations to the old Civil Hospital at Shikarpur and conversion of the Hospital into City Magistrate's Court ...	10
Court house for the Resident Magistrate at Mirpurkhas ...	10
Bungalow for the additional Judicial Commissioner at Karachi ...	10

Jails.

Site for undertrial jail for Bombay	1,50
New lock-up at Jalgaon	10

Police.

Conversion of the headquarters police lines at Ahmedabad and construction of certain quarters	25
Police head quarters at Jacob Circle, Bombay	24
Quarters for four Indian Sub-Inspectors at Picket Road, Bombay ...	24
City Police Lines etc. at Belgaum...	24
Police Lines at Bassein	20
Accommodation for the Dock Police on the site between Raichur Street and Sholapur Street belonging to the Bombay Port Trust ...	20
Bungalow with out-houses for the District Superintendent of Police and the office establishment at Hyderabad	15
Bombay, Baroda and Central India Railway Police Lines, Anand ...	14
Bombay, Baroda and Central India Railway Police Lines, Surat ...	12
New Police Lines at Keti Bunder	10
New Police Lines at Sobho Mahar...	10
Police Lines at Kairpur	10
New Police Lines at Sakrand	10
New Police Lines at Dawlatpur	10
New Police Lines at Khanpur	10
New Police Lines at Sultanpur	10
New Police Lines at Bagdadi	10
New Police Lines at Sujawal	10
New Police Lines at Mirpur Mathelo	10
New Police Lines at Phullahdyun	10
Additional quarters in the headquarters Police Lines at Larkana ...	10
Quarters for the European Inspector and Sergeant at Bandra ...	10
Additions and alterations to the Police Lines at Nagpada	10
Police Lines at Karmala	10
Police Lines at Baramati	10
Police Lines at Ashta	10

Education.

Purchase of buildings for the Arts College at Dharwar	4,50
Certain additional buildings for the Training College for Women, Ahmedabad	1,57

Certain additional buildings for the Training College for Women, Poona	95
Hostel for the College of Engineering, Poona	74
Reserve with Government for educational works	69
Hostel for the High School at Larkana	63
Extra additional buildings for the Secondary Training College, Bombay	59
New building for the Training College for Women, Poona ...	50
High School at Larkana	25
Hostel for the Telang High School at Godhra	16
Playgrounds, etc., for Government High Schools in the Northern Division	11
Acquisition of a plot of land for the College of Engineering, Poona ...	11
School house and teachers' quarters at the Criminal Tribes Settlement at Gadag	10
Cricket pavilion for the Gujarat College, Ahmedabad	10
Medical.	
Jamsetjee Jeejeebhoy Hospital, Bombay	1,50
Sassoon Hospital, Nurses' Quarters...	50
Lift at the Gokuldas Tejpal Hospital	18
Central Hygiene Laboratory	15
Out-patients' dispensary at Broach...	15
Out-patients' dispensary at Poona	10
Civil Surgeon's bungalow at Belgaum	10
Miscellaneous Civil Buildings.	
Works to be carried out by the Electrical Engineer to Government ...	1,50
Offices of the Public Works Department at Karachi	1,00
Acquisition of land for peons' chawls at Dadar	70
Land for the headquarters of the Thana District	50
Miscellaneous Public Improvements.	
Circuit House at Ahmedabad	90
Working the boring plant by the Sanitary Engineer to Government ...	75
Communications.	
Roads in the Presidency proper	2,50
Roads in Sind	50
Demarcation of Provincial roads (land acquisition) in the Nasik District	12

Transfers between Imperial and Provincial Revenues.

	Accounts.			Budget estimate, 1919-20.	Revised estimate, 1919-20.	Budget estimate, 1920-21.
	1916-17.	1917-18.	1918-19.			
Net transfers from Imperial to Provincial revenues ...	−7,21	−34,16	−9,35	−20,98	−41,41	−57,92

129. The decrease in the revised estimate for 1919-20 is due mainly to the larger assignment from Provincial to Imperial Revenues in connection with the new scheme of taxation under "Income Tax". The decrease is partially counterbalanced by (i) a recurring assignment from Imperial to Provincial revenues in connection with the revised system of apportionment of Police charges between Government and the Railway Companies, (ii) the non-recurring assignments from Imperial to Provincial revenues on accoun of certain agricultural objects, the equipment of Victoria Jubilee Technical Institut Bombay, and the establishment of a new pottery school near Bombay, and (iii) a large assignment to meet the cost of Provincial Director of Civil Supplies, his establishme

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and contingencies. The net provision of—57,92 in the budget for 1920-21 is explained below :—

	Budget estimate, 1920-21.
(1) Fixed Provincial contribution under the settlement ...	-9,38
Assignments and Compensations.	
(2) Provincial contribution in connection with the scheme for the commutation of the right of service of kulkarnis ...	-90
(3) Imperial contribution on account of a change in the classification of *kadim* cash allowances	+55
Land Revenue.	
(4) Imperial contribution for the extension of the system of making monthly payments of pensions to Indian military pensioners	+10
Excise.	
(5) Provincial contribution on account of receipts from the additional duty on locally produced beer and foreign spirits imposed in March 1916	-40
Customs.	
(6) Provincial contribution for operations connected with oyster beds at Karachi	-2
Income Tax.	
(7) Provincial contribution equal to the Provincial share of the additional revenue under *Income Tax* due to enhanced taxation introduced from 1st April 1916	-89,31
(8) Imperial contribution to make up the decrease in the provincial share of income-tax due to the changes in taxation introduced from 1st April 1919	+6,50
Tributes.	
(9) Imperial contribution in connection with the change in the classification of certain receipts of the nature of tributes which were credited to the head *I.—Land Revenue* instead of *XI.—Tributes*	+16
Interest.	
(10) Imperial contribution on account of the interest realised from the securities of the Bombay Steam Vessels Survey Fund in connection with the provincialization of the Fund ...	+2
General Administration.	
(11) Provincial contribution on account of the amalgamation of the Public Works Accounts section with the Civil Accounts Department	-64
(12) Imperial contribution on account of the transfer to the Local Audit Department of the Accountant General's office of the work of verifying cancelled currency notes in the Bombay Presidency	+2
Police.	
(13) Imperial contribution towards police reorganization and reforms	+3,25
(14) Imperial contribution in connection with the abolition of the contribution for the police charges of the Rajkot and Wadhwan Civil Station Funds	+5
(15) Imperial contribution for expenditure connected with the maintenance at Jocobabad of a force of 50 mounted police in the place of the Indian cavalry	+32
(16) Imperial contribution in connection with the revised system of apportionment of Police charges between Government and the Railway Companies	+3,00

	Budget estimate, 1920-21.
Ports and Pilotage.	
(17) Imperial contribution for the transfer of the duties in connection with the Native Passenger Ships Act from the charge of the Customs Preventive Department to that of the Port Officer, Bombay	+5
Education.	
(18) Imperial contribution in connection with the Darbar grant for recurring expenditure on education	+6,70
(19) Imperial contributions (5,93 made in 1913-14 and 1,00 made in 1914-15) for recurring expenditure on education ...	+6,93
(20) Imperial contribution for the improvement of aided Indian High and Anglo-vernacular schools	+60
(21) Imperial contribution for a grant to the Bombay University.	+45
(22) Imperial contribution towards the cost of the appointment of Professor of Economics in the University of Bombay ...	+12
(23) Imperial contribution on account of the interest realized from the securities of the Gujarat College, Ahmedabad, in connection with the provincialization of the College ...	+15
(24) Imperial contribution for improvement of pay and training of teachers	+2,50
(25) Imperial contribution for recurring expenditure for the development of primary education	+4,00
(26) Imperial contribution on account of grant-in-aid to Mrs. Nikambe's Institute for Married Hindu Ladies ...	+1
Sanitation.	
(27) Imperial contribution for the improvement of sanitary services	+20
(28) Imperial contribution for recurring expenditure on sanitation.	+6,00
Agriculture.	
(29) Imperial contribution for charges on account of the office establishment, allowances, etc., of the Superintendent, Civil Veterinary Department, Sind, Baluchistan and Rajputana	+9
(30) Imperial contribution in connection with the provincialization of the salaries of the officers of the Indian Civil Veterinary Department	+60
Stationery and Printing.	
(31) Provincial contribution on account of the reduction in the percentage charged to Provincial revenues on the value of imported stationery stores	−50
Miscellaneous.	
(32) Provincial contribution in connection with the imperialization of the subsidy to Reuter's Telegram Company for their news service in India	−22
(33) Imperial contribution for the remission of contributions by local bodies towards certain establishment charges ...	+1,07
(34) Imperial contribution on account of the grant of annual pension of Rs. 100 to holders of the titles of Mahamahopadhya and Shams-ul-Ulama	+1
Total ...	−57,92

P. J. MEAD,
Chief Secretary to Government.

APPENDIX A.

STATEMENT SHOWING BY MAJOR HEADS THE ORDINARY AND SPECIAL OR NON-RECURRING PROVINCIAL REVENUE AND THE OPENING BALANCE AS ESTIMATED IN THE BUDGET FOR 1920-21.

[In thousands of rupees.]

Account of receipts.	Budget, 1920-21.	Ordinary.	Special.	Remarks.
I LAND REVENUE—				
Provincial share ...	2,44,20	2,20,30	(a) 23,90	(a) Collections of outstandings of previous years.
Alienations ...	94,41	94,41	...	
IV STAMPS	82,50	82,50	...	
V EXCISE	4,30,00	4 30,00	...	
VIII INCOME TAX	1,85,00	1,85,00	...	
IX FOREST	90,00	90,00	...	
X REGISTRATION ...	13,00	13,00	...	
XII INTEREST	17,70	12,70	5,00	
XVI-A LAW AND JUSTICE—				
Courts of Law ...	9,80	9,80	...	
XVI-B LAW AND JUSTICE—				
Jails	3,50	3,50	...	
XVII POLICE	1,23	1,23	...	
XVIII PORTS AND PILOTAGE ...	2,24	2,24	...	
XIX EDUCATION	6,05	6,05	...	(b) This is made up of—
XX-A MEDICAL	4,90	4,90	...	(i) 39,83 Unexpended balance of the Imperial assignments given since the year 1911-12 for recurring and non-recurring expenditure on education ;
XX-B SANITATION	19	19	...	
XXI-A AGRICULTURE	2,85	2,85	...	
XXI-B SCIENTIFIC AND MISCELLANEOUS DEPARTMENTS.	1,35	1,35	...	
XXII RECEIPTS IN AID OF SUPERANNUATION, ETC.	7,20	7,20	...	(ii) 34,27 Unexpended balance of the Imperial assignments given since the year 1911-12 for recurring and non-recurring expenditure on sanitation ;
XXIII STATIONERY AND PRINTING.	1,90	1,90	...	
XXV MISCELLANEOUS ...	2,03	2,03	...	
XXIX IRRIGATION—				
Portion of Land Revenue due to Irrigation.	13,30	13,30	...	(iii) 4,51 Unexpended balance of the Imperial assignments made in 1918-19 and 1919-20 for non-recurring expenditure on agricultural education ;
IRRIGATION—MAJOR WORKS—			...	
Direct Receipts ...	10,02	10,02	...	
XXX IRRIGATION—MINOR WORKS.	1,95	1,95	...	(iv) 22 Unexpended balance of the Imperial assignment made in 1917-18 from the wheat profits ;
XXXI CIVIL WORKS—				
Civil Department ...	5	5	...	
Public Works Department.	6,50	6,50	...	(v) 72 Unexpended balances of the Imperial assignments for non-recurring expenditure on medical relief (50), and on agricultural and allied objects (22) ;
Transfers between Imperial and Provincial Revenues.	—57,92	—57,92	...	
Total ...	11,73,95	11,45,05	28,90	(vi) 2,00 Unexpended Imperial assignment made in 1919-20 for the School of Pottery, Bombay.
Opening Balance ...	4,83,08	4,13,03	(b) 81,55	Total 81,55
Grand Total ...	16,57,03	15,58,08	1,07,70	

APPENDIX B.

STATEMENT SHOWING BY MAJOR HEADS THE RECURRING AND NON-RECURRING PROVINCIAL EXPENDITURE PROVIDED IN THE BUDGET ESTIMATES FOR 1920-21.

[In thousands of rupees.]

Account of expenditure.	Budget, 1920-21.	Permanent recurring.	Fluctuating recurring.	Total recurring.	Non-recurring.
1	2	3	4	5	6
1 REFUNDS AND DRAWBACKS	18,40	...	14,14	14,14	4,26
2 ASSIGNMENTS AND COMPENSATIONS ...	1,11,79	1,11,56	6	1,11,62	17
3 LAND REVENUE	1,44,52	1,20,13	11,49	1,31,62	12,90
6 STAMPS	1,65	49	96	1,45	20
7 EXCISE	34,08	14,40	1,30	15,70	18,38
10 INCOME TAX	2,75	2,19	24	2,43	32
11 FOREST	54,77	22,55	22,13	44,68	10,09
12 REGISTRATION	5,07	4,16	87	5,03	4
13 INTEREST ON ORDINARY DEBT ...	15,06	6,00	9,06	15,06	...
18 GENERAL ADMINISTRATION	26,36	22,18	2,24	24,42	1,94
19-A LAW AND JUSTICE—					
Courts of Law	66,99	57,93	6,66	64,59	2,40
19-B LAW AND JUSTICE—					
Jails	23,81	5,75	13,46	19,21	4,60
20 POLICE	1,67,69	1,36,56	16,11	1,52,67	15,02
21 PORTS AND PILOTAGE	1,89	1,07	69	1,76	13
22 EDUCATION	1,48,80	1,09,11	28,51	1,37,62	11,18
24-A MEDICAL	51,39	19,12	10,39	29,51	21,88
24-B SANITATION	28,77	10,34	2,01	12,35	16,42
25 POLITICAL	6,23	5,18	79	5,97	26
26-A AGRICULTURE	29,31	10,33	9,06	19,39	9,92
26-B SCIENTIFIC AND MISCELLANEOUS DEPARTMENTS	11,37	6,58	64	7,22	4,15
29 SUPERANNUATION ALLOWANCES AND PENSIONS	46,21	44,67	95	45,62	59
30 STATIONERY AND PRINTING	19,80	3,02	15,33	18,35	1,45
32 MISCELLANEOUS	12,32	6,05	4,00	10,05	2,27
42 IRRIGATION—MAJOR WORKS—					
Working Expenses	9,32	7,60	85	8,45	87
Interest on Debt	15,20	15,20	...	15,20	...
43 IRRIGATION—MINOR WORKS—					
Civil Department	13	...	1	1	12
Public Works Department	25,06	15,68	6,85	22,53	2,53
45 CIVIL WORKS—					
Civil Department	17,20	15,93	7	16,00	1,20
Public Works Department	1,71,75	58,50	20,00	78,50	93,25
Total ...	12,67,69	8,32,28	1,98,87	10,31,15	2,36,54

NOTE 1.—The non-recurring expenditure shown in column 6 is inflated by the following items, which are covered by special receipts :—

7,74	for expenditure on education	met from the grants made for the purpose from Imperial revenues.
5,00	for expenditure on sanitary objects	
50	for expenditure on medical relief	
4,95	for expenditure on agricultural objects	
2,00	for industrial education	
20,19	Total.	

The balance of non-recurring expenditure which is met from ordinary revenues amounts to 2,16,35.

NOTE 2.—The total expenditure provided in the budget estimates of each year is divided into three classes—permanent recurring (column 3), fluctuating recurring (column 4) and non-recurring (column 6). The fluctuating recurring expenditure includes items (like temporary establishments, plague allowance and contingencies) 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 Estimate, 1920-21", "Revised Estimate, 1919-20", "Budget Estimate, 1919-20", and "Accounts, 1918-19", has generally been taken as the minimum recurring charge for each item, and the total of all such items is entered under column 4 against the major head concerned. The difference between the total budget provision for such items and the minimum recurring charge entered in column 4 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 6. This method is adopted in the case of all major heads, except *29, Superannuation Allowances and Pensions, 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 provisions for gratuities and refunds are classed as fluctuating recurring, while all other items are treated as permanent recurring. The whole provision under *42, Irrigation Major Works—Interest on Debt* is classed as permanent recurring. Under the heads *42, Irrigation—Major Works—Working Expenses* and *43, Irrigation—Minor Works (Public Works Department),* the provision on account of ordinary repairs establishments and tools and plant is classed as permanent recurring, the provision for special repairs and 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. Under the head *45, Civil Works (Public Works Department),* the provision on account of 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.

No. 1573.

From

H. P. DUVAL, Esq., I. C. S.,
Officiating Secretary to the Government of India,
Legislative Department;

To

THE SECRETARY TO THE GOVERNMENT OF BOMBAY,
Legal Department.

Simla, the 10th May 1920.

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. 552, dated the 24th April 1920.

The Bombay Land Revenue Code (Amendment) Law, 1920.

I have the honour to be,

Sir,

Your obedient servant,

(Signed) H. P. DUVAL,
Officiating Secretary to the Government of India.

No. 1586.

From

H. P. DUVAL, Esq., I. C. S.,
Officiating Secretary to the Government of India,
Legislative Department;

To

THE SECRETARY TO THE GOVERNMENT OF BOMBAY,
Legal Department.

Dated Simla, the 10th May 1920.

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. 508, dated the 13th April 1920.

The Bombay District Municipal (Amendment) Law, 1920.

I have the honour to be,

Sir,

Your obedient servant,

(Signed) H. P. DUVAL,
Officiating Secretary to the Government of India.

No. 1591.

From

H. P. DUVAL, ESQ., I. C. S.,
Officiating Secretary to the Government of India,
Legislative Department;

To

THE SECRETARY TO THE GOVERNMENT OF BOMBAY,
Legal Department.

Dated Simla, the 11th May 1920.

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. 553, dated the 24th April 1920.

The Bombay Cotton Contracts Control (War Provisions) Amendment Law, 1920.

I have the honour to be,

Sir,

Your obedient servant,

(Signed) H. P. DUVAL,
Officiating Secretary to the Government of India.

No. 1619.

GOVERNMENT OF INDIA,
LEGISLATIVE DEPARTMENT.

From

H. P. DUVAL, ESQ., I. C. S.,
Officiating Secretary to the Government of India;

To

THE SECRETARY TO THE GOVERNMENT OF BOMBAY,
Legal Department.

Simla, the 12th May 1920.

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. 551, dated the 24th April 1920.

The Bombay Disqualification of Aliens (Amendment) Law, 1920.

I have the honour to be,

Sir,

Your obedient servant,

(Signed) H. P. DUVAL,
Officiating Secretary to the Government of India.

No. 1621.

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

From

H. P. DUVAL, ESQ., I. C. S.,
Officiating Secretary to the Government of India;

To

THE SECRETARY TO THE GOVERNMENT OF BOMBAY,
Legal Department.

Simla, the 12th May 1920.

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. 555, dated the 24th April 1920.

The Bombay Municipal (Amendment) Law, 1920.

I have the honour to be,
Sir,
Your obedient servant,

(Signed) H. P. DUVAL,
Officiating Secretary to the Government of India.

No. 1643.

From

H. P. DUVAL, ESQ., I. C. S.,
Officiating Secretary to the Government of India,
Legislative Department;

To

THE SECRETARY TO THE GOVERNMENT OF BOMBAY,
Legal Department.

Dated Simla, the 13th May 1920.

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. 556, dated the 24th April 1920.

The Bombay Public Conveyances Law, 1920.

I have the honour to be,
Sir,
Your most obedient servant,

(Sd.) H. P. DUVAL,
Officiating Secretary to the Government of India.

No. 1567.

From

H. P. DUVAL, Esq., I. C. S.,
Officiating Secretary to the Government of India,
Legislative Department;

To

THE SECRETARY TO THE GOVERNMENT OF BOMBAY,
Legal Department.

Dated Simla, the 13th May 1920.

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. 554, dated the 24th April 1920.

The City of Bombay Police (Amendment) Law, 1920.

I have the honour to be,

Sir,

Your obedient servant,

(Signed) H. P. DUVAL,
Officiating Secretary to the Government of India.

To

HIS EXCELLENCY THE GOVERNOR OF BOMBAY.

MAY IT PLEASE YOUR EXCELLENCY,

The undersigned the Inamdar of Ralej begs to lay the following lines in connection with the Village Panchayat Bill for Your Excellency's kind consideration.

If the Village Panchayat Bill as introduced by the Honourable Sir Ibrahim Rahimtoola be applied in the whole of the Bombay Presidency without excluding Talukdari, Inam and such other lands from its operation the Talukdars and Inamdars would be deprived of many of their rights enjoyed as at present.

Some of the clauses which if not omitted would be detrimental to the interests of Talukdars and Inamdars may be noted as below.

All the trees, pastures and fruits on roadside and other trees in Inami and Talukdari villages are at present owned by Inamdars and Talukdars as it is proposed to raise some income from these trees, etc., for the purposes of the Village Panchayat the rights of the Inamdars and Talukdars cannot but be infringed upon if no change is made in the clause referring to the raising of the income.

Even the rights of Chamars and Khalpas on dead bodies of animals will be marred if the bill be allowed to pass in its present form.

If the work of the Village Panchayat be exacted from village servants who are mostly given their pay and other remuneration by Talukdars and Inamdars, the double burden laid on the shoulders of the village servants might prove a heavy obstacle in the way of the work of villages held by Inamdars and Talukdars.

The fact that the village patel is to be the *ex-officio* member of the Panchayat while the Inamdar or Talu dar of the village has to take the chance of election for securing a place in the Panchayat is equally objectionable.

Be it said in this connection that the amendments moved by the Honourable Mr. Gokuldas Kahandas Parekh and the Honourable the Thakor of Kerwada if carried would protect the interests of Inamdars and Talukdars to a great extent.

In conclusion the undersigned hopes that the objections referred to above against the Village Panchayat Bill will be fully considered before the bill reaches its final stage and becomes a law.

Thanking in anticipation of a favourable consideration.

I beg to remain,

Sir,

Your Excellency's most obedient servant,

BAPOOJEE C. MODY,
Inamdar of Ralej.

Ralej, District Kaira,
16th May 1920.

Substance of a memorial, dated 26th June 1920, from Chudasama Takhatsangji Narsangji and 18 other Talukdars of Mouze Tagdi, taluka Dhandhuka, district Ahmedabad, to His Excellency the Governor and President of the Legislative Council.

Bill No. 11 of 1919 (the Village Panchayat Bill) introduced in the Legislative Council of Your Excellency's Government, if passed, will prove not only very harmful to our interests but it will also affect very adversely our position and rank. Moreover, we shall be held in low esteem amongst our ryots. For these and other reasons we crave leave to approach Your Excellency with this representation.

2. Facts based upon the records of Government prove that :

(*i*) We and our ancestors began to be called Talukdars and our villages 'Talukdari Villages' after the advent of British rule in this part of the country. Prior to that, like the Kathiawar Chiefs, we were also Zamindars and Rajas of our villages and enjoyed supremacy over them.

(*ii*) We paid to the Mogul Emperors and thereafter to the Peshwas and the Junagadh State a tribute or *peshkash* only. We were independent in every respect, and we neither asked for the protection of our villages from, nor were subject to, any other State.

3. After the advent of British rule, local officers tried to establish the sovereignty of the British Government and obtain the acknowledgments of the Talukdars in that respect, but they failed. Thereupon they gave up these attempts and endeavoured to bring us under subjection gradually, broke our power and imposed the civil and criminal jurisdiction of the Government on us, and, enacting suitable laws, made them applicable to us.

4. Thereafter the local officers endeavoured to rank us not as independent landlords though we were such, but as leaseholders only and began to treat us accordingly. We, however, remained loyal to Government, created no disturbance and bore all the hardships which befell us.

5. At last in about 1860, when this state of affairs reached the ears of the then Government, and they found that our rights had been suffering gravely, though we were absolute owners, they declared the above conceptions erroneous, acknowledged the truth of all our representations, accepted them as proved, and recognized in law, *i.e.*, in the Act of 1862, the ownership of the Talukdars of the Ahmedabad District over the Talukdari villages. They further provided in it for the undisturbed enjoyment by the Talukdars of these villages as absolute owners, and for the redemption of their debts, and even paid off the debts of those who were debtors. Such was the kind, impartial and just policy adopted by the then Government and promises were given to restore the Talukdars to their original position.

6. Once again in 1885, the local officers with a view to interfering with our absolute rights, endeavoured to throw obstacles in the way of the enjoyment of our rights to sell or mortgage property and, assuming the powers of surveying our villages though the Government had no such powers, meddled in affairs connected with our private property, and in spite of our protest, Act No. 6 of 1888 was passed.

7. Under the said Act we were at first Rajas and Zamindars like the Rajas of Kathiawar. It gave equal status to *Chárans, Kasbátis* and other communities and it was made applicable to them also. Though Government had no right to interfere with the administration of our lands, survey powers were assumed and even a Settlement Register was prepared.

8. Not only this, but the local officers introduced, in the said Register, columns for which the said Act contained no provision and brought us to a miserable condition.

9. Therefore, through the pressure of the local officers, the Bill of 1912 was prepared with a view to restricting our undoubted rights, and the local officers acted illegally in order to get the Bill passed. But the then Government mercifully dropped it and saved us.

10. Such is our present condition, and now the Bill called 'the Village Panchayat Bill' with clauses calculated to interfere with and destroy our proprietary rights has been brought before the Legislative Council. We, therefore, trouble Your Excellency with this representation and beg to submit that if this Bill is passed and is made operative in our Talukdari villages, not only will our rights be destroyed, but our position also will suffer gravely. In order that this may not happen, we crave leave to approach Your Excellency with this memorial on the grounds set forth below :—

(*i*) We have appended herewith extracts from the records of the British Government to show that we, the Talukdars of the Talukdari villages in Pragana Dhandhuka, paid only a contribution or *peshkash* or a tribute to the Moguls, to the Peshwas and then to the British Government at their advent and were not subject in any other respect.

(*ii*) We have also given in the appended extracts authorities to show that the British Government do not own an inch of land in our Talukdari villages.

(*iii*) The Bombay Government have publicly acknowledged our old proprietary rights and given promises to restore us to our original position. We have also shown this in the appended extracts.

(*iv*) From the appendix attached, it will appear that we Talukdars are also landholders like the Rajas of Kathiawar and are of the same race. We give our sisters and daughters to them in marriage and they do the same thing in their turn; and hence the people of our villages regard us as their masters in like manner and respect us. Accordingly, if the said Act is made applicable to our villages, we shall lose altogether our position and rank in Kathiawar and amongst our people.

11. The above facts and the documents attached herewith in support will convince Your Excellency's Government that in Talukdari villages all rights including those attached to lands belong to Talukdars only and the Government own no land whatsoever there. Accordingly, if the Village Panchayat Act is made applicable, the following provisions in the Act will gravely harm our status and privileges.

12. Now if we examine the clauses of the said enactment, we can see that it cannot apply to our Talukdari villages inasmuch as Government own no land in them. The Act cannot be made operative there owing to the following reasons also:—

(1) The enactment provides for the establishment of a 'Village Panchayat' consisting of not less than five members all of whom are to be elected. The Sar-Panch is also to be elected.

(2) It empowers the Panchayat to have a Secretary and other servants.

(3) It gives the Panchayat the power of performing the following functions:—

(*i*) The cleansing of the village roads.

(*ii*) The regulation of the use of tanks, streams and rivulets and the provision of the water-supply to the village.

(*iii*) The construction of roads and streets in villages, the grant of permission to build sanitary buildings, the maintenance of grazing lands for the cattle of the village and the regulation of the use of bridges, rivers, etc.

(*iv*) The disposal of sweepings, manures, hides, etc.

(*v*) The imposition of a house-tax in accordance with rules made by Government and the levy of a tax on the owners or occupiers of houses or lands.

(*vi*) The imposition of further taxation in case the income falls short of the expenditure.

(*vii*) The recovery of taxes, the imposition of fines for defaults, the distraint or sale of moveable property for recovering any tax, house-tax or fine.

(*viii*) Imprisonment in case of default of the payment of a fine.

(*ix*) And several other powers exclusive of the entire executive power which it vests in the Sar-Panch.

13. The facts stated in the above 12 paragraphs and the authorities quoted in the appendix will show Your Excellency that all rights in Talukdari villages without exception belong to the Talukdars and all their properties are private properties. When such is the case, how can the said enactment be made applicable in Talukdari villages? Your Excellency's Government are aware that Talukdars have also proprietary rights over the village sites in the Talukdari villages and the ryots are tenants at will. Hence Talukdars are the owners of buildings and lands and to them alone belongs the right of keeping the ryot in or expelling him from the village. Please see the authorities quoted in the appendix. From all these facts it will appear to Your Excellency that in Talukdari villages, the Talukdars alone have all rights on lands or buildings. The Government have no right even on an inch of land. In these circumstances, the said enactment cannot be enforced at all in Talukdari villages. For the cleansing of the village roads are employed Bhangis who have been granted lands for that service. Further, waste lands which are given for the purpose of erection of buildings also belong to Talukdars. They are the owners and holders of lands in the village boundaries which are given for cultivation. As owners they make arrangements in connection with the improvement of waste-lands and making them fit for cultivation; they also enjoy as owners the grass growing in Kharaba or waste-lands, maintain the necessary pasture lands for the grazing of the cattle of the ryots, and regulate the use of tanks, wells, rivers, etc., and do the work incidental thereto. The Local Board has executed the repairs of wells and tanks in certain villages, but as we contribute to the Local Fund, it is utilised in consultation with us. Tanks and wells being necessary to us and our ryots, repairs are executed and done with our consent. Hence, our ownership is not affected in any way. We solely make use of the village earth, and allow our ryots to use it if they want to. The same thing happens in the case of sweepings. Those

utilise them for manuring the land given by us which they cultivate. We get its benefit; and the sweepings of non-agricultural ryots we get stored at a place set apart for the purpose and we utilise for manuring our *Gharkhed* lands or those of our tenants, and we enjoy the benefit. The Talukdars also have a right over the hides of cattle. But by Act No. 19 of 1844 Government have stopped the giving of contracts for hides by us. Owing to the restriction imposed by the said Act we are prevented from giving contracts; but the ryots and the tenants whose cattle die, get a share in the hides of their respective cattle. This share is called *Adhodun*. The remaining portion of the hides goes to the Chamars for their trouble, as they remove the cattle outside the village to the spots appointed by us for flaying and cleansing them. *Kankar* and stones are Talukdar's property and we permit our ryots to take them when they require them. When Government require land for any purpose they ask for it from us, and we give it voluntarily in order to comply with their wishes. In short, Government have hitherto recognized our proprietary rights and have acted and act accordingly. There is no big navigable river in this district. There are only small rivers which dry up mostly fifteen days after the last fall of rain in the season. All these small rivers are Talukdar's property (*vide* Indian Law Reports, Bombay, XXII). Settlement Registers have been prepared in respect of our villages under sections 5 and 6 of Act No. 6 of 1888. In them, too, we are shown to be owners of all lands, as will be seen if they are referred to. In villages where partition is made amongst brothers, the Talukdars in possession of their respective shares are shown as their owners and in respect of joint land they are shown as joint owners. Before the enactment of Act VI of 1888, the Civil Courts also passed decrees for division amongst Talukdars according to their respective shares and got them executed through Collectors, and the Collector's office performed the functions of the bailiff. We, Talukdars, give village lands and houses to *Kheduts* for residential and other purposes, take them back into our possession and again give them to others, or in other words, we enjoy all proprietary rights over them. In the matter of construction of buildings, too, we exercise supervision in order to prevent people from building in such a way as to obstruct their neighbours, and fix the limits for making erections. In short, just like a private individual who owns a plot and builds a bungalow, rooms for servants, stables for horses and carriages, provides a special way for vehicles to come and go and an open space in it, and who is considered the owner of all these and none can interfere with his possession and enjoyment thereof, the Talukdars are the owners of all lands in talukdari villages and they regulate the residing of the ryots and the agriculturists, in the village as stated above. When such is the position, how can the 'Village Panchayat Bill' be made applicable to Talukdari villages? On a careful consideration of all that is stated, it will manifestly appear to Your Excellency that the said enactment cannot possibly be applied to Talukdari villages, and in the event of its application to them our rights will be grievously affected and there will be a conflict in the exercise of rights.

14. We submit further in reference to the Panchayat Bill as under:—

(1) The Bill provides for the establishment of a Panchayat by election. The Talukdars and their ryots only live in Talukdari villages. Hence, if there is to be an election in Talukdari villages, the voters, the members as well as the Sar-Panch will be from the same class of persons, *i.e.*, our ryots. Should the Panchayat, then, enjoy mastery over us, *i.e.*, the Talukdars, who at present are the masters, and over our ryots? If we are deprived of the powers of control we exercise over our ryots, the village buildings, the lands, and other powers mentioned in the Bill, and they are vested in the Panchayat, it is easy to imagine what harm our proprietary rights, and rights of possession and enjoyment will suffer, and though we are the landlords or the masters of the Talukdari population, we shall have to be under their control and respect their orders. Our position will thus be reversed, a result which will be quite apparent if Government will consider the situation with usual grace.

(2) It may be argued that a Talukdar can become a member of the Panchayat if he offers himself as a candidate and tries to secure votes from the electors. But the argument is not fair, because it is derogatory for a Talukdar to seek votes from people who are his ryots, and in the case of refusal by any one to vote, the present relation of a landlord and a ryot cannot be sustained. Again the Talukdar's dignity will be lowered, if a ryot stands as a rival candidate against him, and, securing more votes than the Talukdar, succeeds in getting elected. In that case there will be a rupture between the relations of the two, and should this happen, there would be trouble over the question as to whether he should be allowed to reside in the village as a ryot and this may lead to litigation.

(3) The village roads, of which the ownership vests in the Talukdars who employ Bhangis to clean them and who have granted them lands for the performance of that service, will pass under the management, control and possession of the Panchayats.

(4) By it the tanks, streams and rivulets, the ownership, use and regulation of which also vests in Talukdars, will similarly pass into the possession and enjoyment of the Panchayats, which is calculated to interfere with our rights and status.

(5) It deprives Talukdars of the rights of disposal which they enjoy over the land, earth, sweepings, etc., of the village, with or without charge and also that over the hides of cattle, and transfers it to Panchayats.

(6) The burden of the house-tax leviable under the enactment from the owners and occupiers and lands by Panchayats will fall directly or indirectly on the heads of Talukdars, because they are their owners while the ryots are their tenants at will and the lands in their possession are given to them merely for use and residence.

(7) On inquiry, Your Excellency will find that in almost all the villages, the houses in occupation of our ryots are built of clay supplied by us free of charge and on waste-lands belonging to us which revert to us when they leave or die heirless or are made to vacate. Similarly, the houses the Talukdars live in are also made of clay. Your Excellency will, it is hoped, consider that the imposition of a house-tax in such villages is very injurious to the Talukdars.

(8) Further the Bill provides for the levy of a land-tax. If it is levied from the ryot-tenant, the levy will cause hardship in the matter of his livelihood, which may lead to desertion of the village by him, entailing a loss on the Talukdars, and if it is levied from the Talukdars, it will be a new tax, as only tributes are leviable from them.

(9) The Bill further empowers the Panchayat to impose a tax other than a house-tax, if its income falls below the expenditure to be incurred on its establishment composed of a Secretary and other employees engaged for the proper discharge of its functions, *viz.*, the cleaning of village roads and of lighting them and of the supervision of the construction of buildings, maintenance of schools, sanitation, etc. The expenditure involved in carrying out the above functions is heavy and the burden on villages to meet it will be unbearable to them and will ruin them. The Bill does not specify definitely the minimum population which will render a village liable to its application.

(10) The Bill empowers the Panchayat to regulate the use of grazing lands. The vesting of that power is harmful to Talukdars in relation to their rights of possession and enjoyment.

(11) Further, the Bill gives power to Panchayats of regulating the construction of buildings and streets. The bestowal of this power on the Panchayats is tantamount to depriving the Talukdars of these privileges, which they have enjoyed hitherto.

(12) The Bill empowers the Panchayat to impose fines and imprison men in case of an infringement of the orders and rules issued thereunder and it is for Your Excellency's Government to consider how much it will humiliate us if at any time, without any infringement on the part of the Talukdar, he is brought before the Panchayat to answer a charge of such infringement.

(13) The Police Patel is our servant and we pay him. His appointment as Sar-Panch is, therefore, very objectionable to us.

16. We, therefore, pray that taking the above representation, as well as our rights, into consideration, the Bill may not be made applicable to our Talukdari villages.

Note.—Fourteen identical memorials, as noted below, have been received from Talukdars of different villages, namely:—

Mouze Aniali,	taluka	Dhandhuka.	
„ Jaska	„	„	
„ Parabdi	„	„	
„ Wagad	„	„	
„ Rojka	„	„	
„ Kharad	„	„	
„ Unchdi	„	„	
„ Kothadia	„	„	
„ Dhingda	„	Dholka.	
„ Hebatpur	„	Dhandhuka.	
„ Bhadiad	„	„	
„ Bavaliali	„	„	
„ Utelia	„	Dholka.	

Mouze Kheda,	taluka	Sanand.	
„ Iyawa	„	„	
„ Makhiav	„	„	
„ Kuwar	„	„	
„ Wasana	„	„	
„ Bakrana	„	„	
„ Kundal	„	„	
„ Lekhamba	„	„	
„ Kaneti	„	„	
„ Godhavi	„	„	
„ Garodia	„	„	
„ Vinchhia	„	„	

To

His Excellency the Governor in Council, Bombay.

The humble memorial of the Honorary Secretaries of the Belgaum Bar Association, Belgaum.

Most Respectfully Sheweth,—

That in pursuance of a Resolution passed at the Conference of the Pleaders of the Belgaum District held on 27th June 1920, Your Excellency's memorialists beg to submit herewith a copy of the suggestions for amendments to the Bill No. VI of 1920 to be introduced in the coming session of Your Excellency's Council for consideration.

For which act of kindness, Your Excellency's memorialists shall, as in duty bound, ever pray.

B. B. POTDAR,
K. N. KARGUPPIKAR,
Secretaries, Bar Association, Belgaum.

Belgaum, 22nd July 1920.

Suggestions.

Clause 4.—The Form of Sanad attached to this section for the offices of High Court Pleader should be adopted for that of District Court Pleader, *i. e.*, in Form B the words "During your good behaviour &c.....in force" be deleted and the words "Except for reasonable cause" be substituted.

Clause 5.—The clause should stand as below :—

"A District Pleader holding a Sanad to practise in any one District shall be allowed to practise in Courts of other Districts on payment of additional requisite fees."

Clause 6.—For the words "Unexceptionable character" *substitute* "Good moral character" (*Vide* High Court Manual of Civil Circulars).

Clause 7.—Sub-clause (*a*). *Insert* the words "Both on its original and appellate side" after the words "In the High Court".

Clause 8.—Sub-clause (*a*) should be read thus :—In any Civil or Criminal Court.

Sub-clause (*b*) should be deleted.

To sub-clause (*c*) the following be added :—And in all other proceedings under any Act in which parties have a right to appear.

Clause 9.—*Insert* the following words "or any proceeding under any Act in which parties have a right to appear" between "Proceeding" and "Unless".

Clause 10.—*Insert* the following words "or any proceeding under any Act in which parties have a right to appear" between "criminal case" and "until".

From sub-clause (4) *delete* the words "With the permission of the Court". (*Vide* the Manual of Civil Circulars, Chapter XVIII, rule 9, page 258).

Clause 11.—In sub-clause (1) for "Not less than eight annas" *substitute* "Not less than ¼ of the remuneration agreed upon".

Delete sub-clause (2) altogether.

Clause 13.—*Add* "on demand" after "shall" and before sub-clause (*a*).

Clause 20.—In sub-clause (1) the word "shall" be substituted for "may".

In sub-clause (*a*) *add* the words "or any contested execution proceedings" after the words "in any original suit".

In sub-clause (*a*) *substitute* Rs. 2,000 for Rs. 5,000.

In sub-clause (*b*) *substitute* Rs. 2,000 for Rs. 5,000.

In sub-clause (*c*) *delete* the words "To the High Court from a decree deciding on the merits any suit or any contested proceeding of the kind referred to in clause (*a*) or clause (*b*)".

In the proviso, *delete* the words "or suits or appeals governed by the Dekkan Agriculturists' Relief Act, 1879."

Clause 21.—In sub-clause 2, *substitute* "shall" for the words "may in its discretion".

Clause 24.—In this clause, the words "gross moral turpitude" be substituted for the words "a defect in his character".

Clause 25.—In this clause, *insert* the word "wilful" between the words "of" and "neglect".

Delete the words "or otherwise" in the last line.

Clause 26.—In sub-clause 1, *insert* the word "wilful" between "of" and "neglect".

Delete all the words within the brackets and *substitute* the words "in his professional character".

Delete the whole of the sub-clause 2 including the proviso and *substitute* the following for it :

"Where the Court holds such matter to be proved, it may, if it deems fit, report the matter to the High Court".

Provided that when the Court holds such inquiry the pleader against whom an allegation is made may appear in person or by pleader or counsel".

Add sub-clause 3 as follows :—

"In any such case the Court may make such orders as to costs as it thinks fit".

Clause 29.—*Delete* the words "and not otherwise" and *substitute* the words "or by lien".

Clause 30.—In sub-clause (J), *delete* the semicolon at the end and *add* the words "or sub-section 23 of section 26".

Schedule :—In Schedule 3, Rule 6, sub-rule b, *add* the words "or the Court of a Mamlatdar under the Mamlatdar's Courts Act, 1906".

From Schedule C *delete* the words "or in the Court of a Mamlatdar under the Mamlatdar's Courts Act, 1906".

(Below a copy of a letter from the Government of India, Home Department—Political, No. 2891, dated the 19th July 1920 and of its accompaniment.)

No. 5824.

POLITICAL DEPARTMENT.

Bombay Castle, 27th July 1920.

Copy forwarded to the Secretary to the Legislative Council with reference to his memorandum No. 783-L., dated the 17th March 1920.

J. A. ARRATON,
for Acting Under Secretary to Government.

No. 2891.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

(Political.)

From

G. W. Gwynne, Esquire, O.B.E., I. C. S.,
Deputy Secretary to the Government of India;

To

The Secretary to the Government of Bombay,
Political Department.

Simla, the 19th July 1920.

Sir,

With reference to your letter No. 2438, dated the 22nd March 1920, forwarding resolutions from the Bombay Legislative Council on the Royal Proclamation of the 23rd December 1919, I am directed to forward for information a copy of a despatch from the Secretary of State on the subject.

I have the honour to be,
Sir,
Your most obedient servant,

(Signed) G. W. GWYNNE,
Deputy Secretary.

Public.
No. 130.

India Office, London.

To—His Excellency the Right Honourable the Governor General of India in Council.

My Lord,

I have submitted to His Majesty the King-Emperor the first two of the three resolutions passed by the Bombay Legislative Council and the resolution passed by the Central Provinces Legislative Council transmitted with the letters from your Home Department Secretary, Nos. 910 and 961, Political, dated the 15th and 22nd April last. His Majesty has commanded me to request Your Excellency to cause the Councils concerned to be informed that he has received their loyal messages with much appreciation.

2. As regards the third resolution passed by the Bombay Legislative Council, I desire to express my warm thanks for the sentiments therein expressed, so far as they relate to myself personally, and to say that I have had much pleasure in communicating this resolution to His Majesty's Government.

I have, etc.,
(Sd.) E. S. MONTAGU.

BOMBAY, HIGH COURT
Pleaders' Room, 20th July 1920.

From

THE HONORARY SECRETARY,
The Pleaders' Association of Western India, Bombay;

To

G. DAVIS, ESQUIRE,
Secretary to the Legislative Council of
His Excellency the Governor of Bombay.

Sir,

I am directed by the Pleaders' Association of Western India to forward to you the following amendments which in its opinion it is necessary to make in the Bombay Pleaders' Bill No. VI of 1920 with a request that you will be pleased to place them for the consideration of His Excellency the Governor in Council and of the Legislative Council.

2. Sub-clauses 3 (*b*), (*c*) and (*d*) of clause 10 of the Draft Bill submitted by the Pleaders' Association of Western India (and hereto annexed) should be *added* as sub-clauses (*e*), (*f*) and (*g*) in clause 7 of the Bill.

3. For sub-clause 4 of clause 10 of the Bill should be substituted Rule 60 of the High Court Rules, Appellate Side, which runs as follows:—

"When a Vakil is prevented for any reason from appearing in any case in which he has been retained, he may appoint another Vakil to appear on his behalf, and the hearing shall proceed unless the Court sees reason to the contrary."

4. In sub-clause 1 of clause 26 of the Bill the words in brackets 'Whether' and 'or otherwise' should be deleted; and in sub-clause 2 of the same clause the words from 'Fine' to 'itself' should be deleted, so that the amended sub-clause 2 should run as follows:—

"Where the Court holds such matters to be proved, it may report the matter to the High Court."

5. In the Forms of the Sanads, A and B, given in Schedule II, the *Nota Bene* should be deleted.

6. Clauses 26 and 27 of the Draft Bill submitted by the Pleaders' Association of Western India should be inserted in the Bill.

I have the honour to be,
Sir,
Your most obedient Servant,
(Sd.) G. S. RAO.
Honorary Secretary,
The Pleaders' Association of Western India.

Accompaniment to letter dated 20th July 1920 from the Honorary Secretary, Pleaders' Association of Western India, Bombay.

Courts, &c., in which High Court Vakeels are entitled to practise.

10. A High Court Vakeel shall be entitled to practise.

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3. In or before the following Courts, Tribunals, Public Officers, &c:—

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(*b*) Revenue Offices including Revenue Courts;

(*c*) Offices of the Registrars and Sub-Registrars under the Indian Registration Act and of the Registrars and Assistant Registrars of Joint Stock Companies under the Indian Companies' Act;

(*d*) Courts within the Presidency of Bombay established by the authority of the British Government in the territories of any Foreign Prince or State.

Taxation of costs between Pleader and client in any civil appeal or application disposed of by the High Court.

26. In any civil appeal or application to the High Court from the decree or order of a subordinate Court, a Pleader shall be entitled to recover from his client fees and costs for the following items to be taxed by an officer of the Court in accordance with such rules as the High Court may make in that behalf from time to time and notify in the *Government Gazette*:—

(1) Stipulated remuneration, if any, or the remuneration claimable by a Pleader from his client in accordance with section 20 or 21 of this Act; (2) Translations; (3) Copying charges; (4) Instructions in writing to or conferences with Council; and (5) all other matters in and for which in the opinion of the High Court fees should be payable to a Pleader.

An order granting the taxed Bill of Costs to be executed as a money decree.

27. In the cases mentioned in section 26, a Pleader, when his Bill of Costs has been taxed against his client, may apply to the High Court for an order against his client or his legal representative for payment of the sum allowed on taxation or such sum as may then remain due. An order granting the application may be executed as a decree for money in accordance with the provisions of the Code of Civil Procedure for execution of such decrees.

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FRIDAY, 27TH AUGUST 1920.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Proceedings of the Council of the Governor of Bombay.

Journal of the Proceedings of the Legislative Council of the Governor of Bombay, assembled under the provisions of the Government of India Act, 1915.

The Council assembled on Monday, the 2nd August 1920, at 12 noon, at the Council Hall, Poona.

PRESENT.

His Excellency Sir GEORGE AMBROSE LLOYD, G.C.I.E., D.S.O., Governor of Bombay, *President.*

The Honourable Sir GEORGE CARMICHAEL, K.C.S.I., I.C.S., *Vice-President.*

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

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

The Honourable the Advocate General (Sir THOMAS J. STRANGMAN, Kt.).

The Honourable Mr. SALEBHOY KARIMJI BARODAWALLA.

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

The Honourable Mr. ALI GOHAR BHUTTO, son of GHULAM MURTAZA, Bar.-at-Law.

The Honourable Mr. RUPCHAND BILARAM, LL.B.

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

The Honourable Mr. J. G. COVERNTON, C.I.E.

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

The Honourable Rao Saheb HARILAL DESAIBHAI DESAI, LL.B.

The Honourable Mr. R. E. ENTHOVEN, C.I.E., I.C.S.

The Honourable Major C. FERNANDES, M.D., F.C.P.S., I.M.S.

BUDGET DEBATE.

[*The President; Sir G. Carmichael.*] [2ND AUGUST 1920.]

The Honourable Rao Bahadur SIDDHANATH DHONDDEV GARUD.
The Honourable Dewan Bahadur KASHINATH RAMCHANDRA GODBOLE.
The Honourable Mr. G. W. HATCH, I.C.S.
The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH, LL.B.
The Honourable Mr. J. D. JENKINS.
The Honourable Major-General W. E. JENNINGS, M.D., I.M.S.
The Honourable Sardar GULAM JILANI.
The Honourable Mr. BALKRISHNA SITARAM KAMAT.
The Honourable Mr. H. P. W. MACNAGHTEN.
The Honourable Khan Bahadur PIR BAKSH walad MIAN MAHMUD, C.I.E.
The Honourable Mr. P. J. MEAD, C.I.E., I.C.S.
The Honourable Mr. CHUNILAL VIJBHUKHANDAS MEHTA, LL.B.
The Honourable Sardar SHRINIWAS COOPOOSWAMI MUDLIAR.
The Honourable Rao Bahadur VENKATESH SHRINIWAS NAIK.
The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE.
The Honourable Mr. GOKULDAS KAHANDAS PAREKH, LL.B.
The Honourable Mr. ABDUL KADIR *alias* FAKIR MAHOMED walad IBRAHIM KHAN PATHAN.
The Honourable Sir DINSHAW MANOCKJEE PETIT, Bart.
The Honourable Mr. MUNMOHUNDASS RAMJI.
The Honourable Mr. L. ROBERTSON, C.S.I., I.C.S.
The Honourable Rao Bahadur GANESH KRISHNA SATHE, C.I.E.
The Honourable Mr. C. N. SEDDON, I.C.S.
The Honourable Mr. PHIROZE C. SETHNA, O.B.E.
The Honourable Mr. H. O. B. SHOUBRIDGE, M.Inst.C.E.
The Honourable Mr. PURSHOTAMDAS THAKURDAS, C.I.E., M.B.E.
The Honourable Mr. E. G. TURNER, I.C.S.
The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI.
The Honourable Mr. HARCHANDRAI VISHINDAS, C.I.E., LL.B.
The Honourable Mr. M. de P. WEBB, C.I.E., C.B.E.

The Honourable Mr. P. R. Cadell, the Honourable Major-General W. E. Jennings, the Honourable Mr. Ali Gohar Bhutto, the Honourable Mr. G. W. Hatch, the Honourable Mr. H. P. W. Macnaghten, the Honourable Mr. E. G. Turner and the Honourable Mr. M. de P. Webb took the oath of allegiance to the Crown.

The numbers of questions were then called.

PRESENTATION OF THE BUDGET.

His Excellency the President:—Presentation of the Budget of the Government of Bombay for the year 1920-21 and discussion thereon. The Honourable Sir George Carmichael.

The Honourable Sir G. Carmichael:—Your Excellency,—I rise to present the budget for 1920-21. The budget statement with the memorandum and the explanatory statement has been placed on the table and copies of detailed estimates have been supplied to honourable members. The budget proposals were explained on presentation of the revised financial statement in March last and there has been no alteration in the figures. Nor was there any resolution passed by the Council which Government have not accepted. It seems to me, therefore, and I think the Council will agree, that it is hardly necessary for me at this stage to go into further details. I propose, therefore, to confine the few remarks I have to make to one or two general points. The budget has been framed as usual on the assumption that the monsoon will be a normal one. So far that assumption is proving correct except in certain parts of the Presidency. In the eastern parts of the Deccan and of the Southern Maratha Country the rainfall up to date has been very scanty; elsewhere it has been quite good, very good in some parts, and in Sind the inundation began rather late but is quite up to the average. It is perhaps too early yet to anticipate how the harvest will finally develop but this much is certain that there will be this year no shortage of fodder in Gujarat and Kathiawar and that therefore we shall not have to

BUDGET DEBATE.

[2ND AUGUST 1920.] [*Sir G. Carmichael; Mr. Purshotamdas Thakurdas.*]

deal with what is nowadays the most serious consequences of failure of the monsoon. The second point to which I wish to refer is that dealt with in the last paragraph of my memorandum presenting the budget, in the printed statement. This budget might almost be called an establishment budget. Large grants have been provided for meeting the pay of all Government establishments in face of the great rise in the cost of living. As stated in the last paragraph of the memorandum we had provided 20 lakhs under the land revenue head and another 27 lakhs under specific heads for the revision of the pay of establishments. On closer examination this amount of 47 lakhs has been found to be quite inadequate; it is just about half of what we are likely to require. Now, it would not be, I think, wise to increase any further the already large deficit in the budget. We are drawing on the provincial balances to the extent of Rs. 93,74,000. The proposals which have been made for the increase and the revision of the pay of establishments are not extravagant, they do not go beyond what is required to secure a contented and efficient service. Now, if these two premises are granted it follows that we must make reductions under other heads in order to provide completely for the increased pay of Government establishments. Scrutiny is being made to ascertain possible reductions and the case is now under examination in the Finance Department and I am unable at present to say in which directions or from which grants reductions will be made, but it is anticipated that it will be possible to meet the greater portion of the 47 lakhs—the additional 47 lakhs, which will be required to meet the revision scheme. In most years in which I have been privileged to listen to the debate on the budget in this Council one or more honourable members have likened it to the flogging of a dead horse, because the budget was fixed and unalterable when it came to be discussed and it had already come into operation before the debate. I never agreed with this view as it seemed to me that discussions always showed where changes might be made with advantage in the future proposals. But in the circumstances of this year I am prepared to admit that there would be some force in such a criticism. Well, this is the last budget under the existing scheme. Next year an entirely new settlement comes into force. The revenues on which provincial finance will depend will be new. There will be greater freedom in adjusting taxation to meet the demands for expenditure and, lastly, the most important point of all with reference to the discussion in this Council is that the Legislative Council itself will be the authority which will give approval to every grant of expenditure which will be provided in the budget. With these remarks I beg to present the budget for 1920-1921.

The Honourable Mr. Purshotamdas Thakurdas:—Your Excellency,—In spite of the admission of the honourable mover of the budget in this Council, I make bold to offer a few remarks. The Honourable Sir George Carmichael admits that any discussion on this budget that is just presented to the Council would be, owing to the special circumstances that he mentioned, just like flogging a dead horse. I wish, sir, to put before the Council a few observations regarding certain items of expenditure and certain departments in the Presidency which I think require some sort of immediate attention at your Excellency's hands. I will first take the Department of Industries. That Department, your Excellency, has been organized as a department of industries for nearly two years. Before that department came on as a result of the Indian Industries Commission's report we had a similar department or at any rate we had an advisory committee with a special officer in charge of it. May I ask what work has been done by that department during the two years that it has existed? I had the honour of being nominated by Government to the committee which was called advisory committee for the department, and I may say that during these eight months of this year I do not think we have met more than once, and certainly not more than twice. The department when started was under Mr. Thomas and then later on with Mr. Mead. When it came to be a full-fledged department under the report of the Industries Commission Mr. Bell was put at the head of it. Mr. Bell has gone on leave and now Mr. Thiselton-Dyer presides over the department. I do not wish at all, sir, to indicate that the present incumbent or the acting officer of the department has not been doing his work properly. What I protest against is that in a department like this where we want progress and push from the officers concerned, the Government of Bombay should have agreed with the Government of India in transferring the post of the Director of Industries to that Government and in winding up the operations of the Munitions Board in Bombay. Nobody would grudge the Government of Bombay a helping hand in this matter, and I feel I am justified in the interests of industries and commerce and in the interests of the mercantile community in saying that the Director is being overwhelmed with work. At present that department is not a Bombay Government department and the Director of Industries is practically doing nothing or doing very little in that department where most urgent and earnest work in the matter of industries is necessary. Of course I am not certain whether

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[*Mr. Purshotamdas Thakurdas; Sir G. Carmichael.*] [2ND AUGUST 1920.]

your Excellency's Government has given your consent to this arrangement, but I hope that before the Government of India introduce their permanent arrangements in the matter of lessening the general pressure of work in that department, your Excellency's Government will be well advised to carry us over the next year or two.

What I, however, feel, sir, is that the Indian Industries Commission have submitted their report to the Government of India about two years back. That report is a most valuable one and one should have expected that in view of the numerous recommendations made by them the Government of India would have taken action under that report long before now. As the Council knows, we have Government control over the cotton trade of Bombay. I dare say it is not news to Government but it is to non-officials that your Excellency has received some petitions from some sections of the cotton trade in Bombay saying that now that the war is over the Government control may be removed or the control relaxed. May I venture to submit, sir, that this is a matter that is very important, not only in the interests of the cotton trade in Bombay, but also in the interests of the cotton growing cultivators who suffer owing to the indiscriminate mixing that is going on in the *kapas* or cotton grown in the districts ?

I should like also to refer to the question of fodder supply. As your Excellency knows, I had the honour of moving a resolution on this same matter about two years back. From a reply given to me at this Council, I see that Government have been able to stock only about eighteen lakhs and a half pounds of grass. I am told that they would have stocked more, but unseasonable rain prevented them from doing so. I only venture to suggest, sir, that this particular item should not be overlooked because a certain season has been good. As it is, in Ahmednagar the rainfall has been very short and I understand that there would be another stringency of grass there unless the Collector and the local people there begin to look round and do their best in anticipation of higher prices. I would beg your Excellency's permission to assert with all the emphasis at my command that the Government of Bombay should not overlook this matter under any circumstances or for any reasons whatever.

The question of export of cattle has loomed large before the public eye during the year we have just passed through. Owing to some exaggerated figures being quoted in this Council, it assumed a disproportionately large figure. But there is no doubt that the high prices of milk and ghee have been telling on the resources of the people, and in very many cases they are responsible for undermining the stamina of the people in the districts. The census of cattle taken in this Presidency after the closing of the last famine period shows that, after all, when you take the Presidency as a whole the decrease in the number of cattle has not been as big as was at one time feared. But I would submit, sir, that that is not all. The stamina and the quality of cattle is also a very important item for consideration, and I have heard it admitted by practically all that I consulted, either officials or non-officials, that much cannot be said in regard to the quality of the cattle. In the budget that is now before this Council I see that there are only two items of expenditure in the direction of cattle breeding. One is a special grant of Rs. 40,000 in connection with the Chharodi cattle farm and the other a grant of Rs. 34,000 non-recurring out of the wheat profits for purchase of cattle in connection with the farm at Bankapur. These two small items are about all that one could trace as having met with the approval of Government for any further action in the direction of preserving the breed of cattle.

The Honourable Sir G. Carmichael :—Might I draw the honourable member's attention to one more item? Government have entertained a cattle breeding expert.

The Honourable Mr. Purshotamdas Thakurdas:—I do not seem to have noticed it. May I know where it is referred to?

The Honourable Sir G. Carmichael:—The appointment of a cattle breeding expert has been recommended by the Agricultural Department and that has been sanctioned and an expert has now been engaged.

The Honourable Mr. Purshotamdas Thakurdas :—I am very glad to hear of it. Before I conclude, I would just like to refer to the head of revenue under the item of Forests, page 10 of the copy of budget placed on the table of honourable members. In the first column, the item 'Timber and other produce removed from the forests by Government agency' shows for the budget estimate a figure of Rs. 37,46,000, while the item 'Timber and other produce removed from the forests by private agency' shows a figure of Rs. 50,96,000. The Council may remember that about two years back I showed by some figures that the average revenue received for timber removed by Government and dealt with by them was higher

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[2ND AUGUST 1920.] [*Mr. Purshotamdas Thakurdas; Sheikh Ghulam Hussein Hidayatallah.*]

and considerably higher than when Government allowed the timber to be removed by private contractors. This higher figure of Rs. 50,96,000 on timber removed by private agency shows that Government are still unable to deal with the timber that has to be removed from forests in spite of the fact that the average return on the timber that is removed by themselves is considerably higher than the return on timber if it is removed by contractors. I would, sir, just refer to the budget figures of 1919-20 and the revised estimate of 1919-20. In the revised estimates you see, sir, that the item is put down of Rs. 49,17,000 as being the proceeds of timber removed by Government, that is, departmentally, and Rs. 44,50,000 as being the proceeds of timber removed by private contractors. If you look at the accounts of 1918-19, there also you will see that the quality of work has been higher when undertaken by Government than when the timber was removed by private contractors. I feel that the explanation for this may be perhaps a very simple one, that during these years the Munitions Department wanted a considerable quantity of timber from the forests and removed it for their own purpose. I venture, sir, to submit that if this could be done by the Munitions Department, which is practically a Government department after all, it should be feasible also for Government to do the work departmentally. The difference between the proceeds per unit when timber is removed by Government and when removed by private agency is considerably higher. I just venture to draw the attention of the Honourable Member in Charge to this matter.

The Honourable Sheikh Ghulam Hussein Hidayatallah:—Your Excellency,—It is gratifying to see under the head of communications a provision of two lakhs allotted to Sind for two roads, one from Karachi to Hub river and the other the Karachi Cemetery-Drigh road. We are very thankful to your Excellency's Government that we Sindhis, who used to get only a few hundreds before for communications, have come to two lakhs now. Some time back I moved a resolution about the provincial roads in Sind and that was accepted by this Council. But in this budget I do not find, except for these two roads, any item for the sixteen roads of the district local boards which Government wanted to provincialise. All that I find, in answer to my question, is that sixteen roads belonging to the district local boards are being provincialised and orders will be issued soon. I hope your Excellency's Government will soon see that these sixteen roads belonging to the district local boards are provincialised because communication in Sind is very defective and the prosperity of the province of Sind more or less depends on good communications.

Referring to another item in the budget, about the civil buildings on the old jail site, I find about two lakhs of rupees allotted for these civil buildings in Karachi on the jail site at Karachi. I am glad that after all a provision has been made in the budget in this connection, but I would draw the attention of this Council to a much greater need of the city of Karachi, and that is the building of the Judicial Commissioner's Court. At present the Judicial Commissioner's Court is a very old and rickety building. I think Government should take up its building soon. The building of the Judicial Commissioner's Court depends on the artillery being removed to Quetta, that is, when the quarters for the artillery are built at Quetta, then at that site the Judicial Commissioner's Court is to be built. I hope Government will give serious attention to the building of the Judicial Commissioner's Court at Karachi.

I would like to refer to one other item, the salaries of provincial service officers. The salaries of the Judicial Department have been revised, except that of the Small Cause Court Judge at Karachi. I really cannot understand, when the salaries of the subordinate judges, assistant judges and all other judges have been revised, why the salary of the Small Cause Court Judge has not been revised. The sub-judges are now to start with Rs. 300. Presumably Government has considered it necessary to compensate them in these hard times. One does not grudge that; but the lot of the mamlatdar or mukhtiarkar, who has to perform onerous and responsible duties, should be improved in the same proportion. The mamlatdar or the mukhtiarkar has to do executive, judicial and revenue work. His services to the administration are of very great importance and, so far as I know, in my part of the country there is very great discontent amongst the mamlatdars. I do not think this discontent amongst the mamlatdars is good in the interests of the administration. I am afraid, instead of doing any good it may do positive harm. Again, referring to the salaries of the deputy collectors, it is gratifying to see that the improved scale is from Rs. 300 to Rs. 1,000 and they will be getting an increment of Rs. 25 annually; that is, after two years they will get Rs. 50, but looking to the revised scale of salaries of the Punjab Government, I find that they have given an increment of Rs. 40 annually. I think the present salary of Rs. 300 should be increased to Rs. 400; that is, a deputy collector should start with Rs. 400 with an annual increment of Rs. 40

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[*Sheikh Ghulam Hussein Hidayatallah; Mr. P. A. Desai.*] [2ND AUGUST 1920.]

as is done in Punjab. Otherwise I think the revised scale of the deputy collectors is worse than the old scale owing to the slow increase in their salary and the fact that the few additional appointments that are created are in the highest grade. More relief is needed in the lower grade appointments. I therefore submit that Government should try to satisfy them.

Now coming to the branch of local self-government, that is, the district local boards, I find that Government have appointed non-official presidents in the Presidency and in Sind, and Government intend to appoint more non-official presidents. But when we come to the actual working of the district local boards, what I find is that though the district local boards have non-official presidents, they have no effective control over the administration. They are, I might call them, the repositories of funds. Budgets are prepared by the various departments, the medical, sanitary, educational, and so forth, and they have only to disburse money accordingly. I hope progress will be made in that direction too. As regards the district local board roads in Sind, I think, there is the same complaint as in the Presidency, namely, that they are in a very bad condition. No doubt we have lately received a special grant of Rs. 20,000 in each district, but that is not sufficient. I would point out to your Excellency's Government that more liberal grants are needed if the roads are to be in good condition. With these remarks I resume my seat.

The Honourable Mr. P. A. Desai :—Your Excellency,—I should like to make a few observations with regard to the items of the budget which has been presented this morning by the Honourable Member in Charge. The first item to which I should like to allude is land revenue. The provincial share under this item is Rs. 2,44,20,000. Now, a lump provision for the revision of the pay of the subordinate establishments has been made, namely, Rs. 20,00,000, and we have heard from the Honourable Member in Charge that under another head Rs. 27,00,000 have been provided for this purpose. So, the total provision is Rs. 47,00,000, and we have heard this morning that another Rs. 47,00,000 would be necessary to provide for the revision of all the subordinate establishments. Certainly we are very thankful to Government for making this necessary reform. But I am sorry to see that no provision has been made for the improvement of the pay, or the salary, or the allowance which is paid to the village accountants. I have been pressing for this ever since I came into this Council. Since 1916 each year I have been pressing upon the attention of Government that the condition of the village accountants is deplorable. In most cases, their salary is from Rs. 8 to Rs. 24. But, at any rate, it is not even sufficient for keeping the body and soul together. The duties which are performed by these village accountants are onerous duties. There are several registers, the keeping of which entirely depends upon them. They are concerned with the actual revenue collections, and I submit that taking into consideration the work this class is doing and their miserable salary, Government should be graciously pleased to have some reform or some improvement in their salary. The next class of public servants which is unfortunate is the police patels of the Ratnagiri district. Honourable members of this Council would be wonderstruck to hear that, in most cases, their pay is only Rs. 24 a year. I would like to ask what work Government can expect from a man who gets only Rs. 24 a year. So far nothing has been done for the improvement of their condition. I hope Government will be kind enough to take this matter into consideration, and make some provision, at least in the next year's budget, for some improvement in the police patels' remuneration.

Then I refer to head IV and 6. Stamps. The provincial share of the revenue from stamps is Rs. 82,50,000. Regarding the charges for the sale of general stamps, we find that Government is spending only Rs. 1,40,000. That will clearly show that the revenue is six times more than the expenditure. We find that there is not a sufficient number of stamp vendors. There are only 1,200 stamp vendors in the whole of the Presidency, while there are 25,000 villages. This means that there is only one stamp vendor for 22 villages. This provision is most inadequate. The agriculturists who want stamps for their purposes are obliged to leave their villages and go long distances for getting stamps. I submit that Government should make some provision in the near future for increasing the number of the stamp vendors.

Then I come to the head of Excise. We have found that the estimated income this year is Rs. 4,30,00,000. One redeeming feature is that the consumption of liquor has declined by 2·2 per cent. this year. I therefore do not say much about this income, although it is appalling.

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[2ND AUGUST 1920.] [*Mr. P. A. Desai.*]

Then, regarding forests, we are thankful to Government for the proposed establishment of the forest college at Dharwar. There was an absolute necessity for the establishment of such a college, and that necessity has been removed.

Then, coming to the head of Registration, the revenue from this source is about Rs. 30,00,000, and the expenditure comes to Rs. 5,07,000. Now, registration is not a department from which Government should expect any profits. Most of the documents that are registered are the documents passed by the agriculturists to money-lenders, and if the income is more than double the expenditure, I think Government should take it into its head to reduce the fees, and lighten the burden of the agriculturists as far as possible.

Then I come to the head of XVI-A and 19-A Law and Justice, Courts of Law. I find that under this item Rs. 30,000 have been debited as charges for special counsel. This was for paying the special counsel for working for Government before the Akola and Ahmedabad special tribunals. This Rs. 30,000 is a huge amount, and I think that if Government had engaged the public prosecutors of those places, or the senior pleaders of those places, much would have been saved under this item. It is not necessary that a counsel from Bombay should be taken to these mofussil towns to represent Government in their prosecutions. The prosecution did not require any knowledge of English law, nor were there any intricate matters to be dealt with. There were riot and burning of property cases which are tried every day by the courts of session in the district places, and I think that most of the Rs. 30,000 spent on this account is a waste of public money.

Then, coming to the head of XVII and 20, Police, we find that the expenditure estimated is Rs. 1,67,69,000. Of course, I have been saying that this expenditure is growing by leaps and bounds, and Government should see their way to curtail it, if possible.

Then, regarding the item of XIX and 22, Education, we are really thankful to Government for the liberal policy which they have pursued in making large grants for educational purposes. But, in making use of these grants, I think the needs of each district should be taken into account, and in this connection I would request the Honourable Member in Charge to take note of the fact that there is a great necessity for a high school at Bagalkot. There is at present a municipal school there, and I am told that a proposal has been made to Government by the Honourable the Director of Public Instruction that this school should be taken over by Government and should be converted into a high school. I hope immediate steps will be taken in this connection.

Then, regarding the item of XXI-A. and 26-A Agriculture, I should like to submit that, owing to the scarcity of labour, the lands in my district as well as in the surrounding districts are growing grass bound, and it is necessary that steam ploughs should be purchased and lent, one or two at least to each district. Unless that is done, the lands will not be improved, and they will deteriorate. Therefore, some steps should be taken in this direction.

Then there is the question of cattle breeding. A cattle breeding farm is necessary in the district of Bijapur. Your Excellency, the district of Biajpur is one of the famine and scarcity districts. If there is rain in Bijapur, we must assume that there is rain all over the world. This year, your Excellency, we have learnt from the Honourable Member in Charge that most of the districts of the Presidency are favoured with rain. But in Bijapur, we got only 2 inches in the first week of June, and not a drop since then. So, practically the whole of the kharif crop is almost gone. The effect of this is that the cattle are dying and deteriorating. Therefore, it is absolutely necessary for the relief of the cultivators that a cattle breeding farm should be started as early as possible. My honourable friend Mr. Purshotamdas Thakurdas has referred to the matter of fodder storage, and I hope Government will take early steps to improve the condition of the cattle in this respect.

Then, regarding the head XXI-B and 26B, Scientific and Miscellaneous Departments, I find that in the year 1916-17, Rs. 6,000 were provided for rewards for the destruction of wild animals. In the year 1917-18 this amount was reduced to Rs. 2,000, and in subsequent years not a single pie was spent over this matter, probably because there was the war, and Government could not spare the money for this purpose. If we refer to the latest administration report, we see that there were 1,486 deaths from snake-bites, and there were also 42 deaths from wild animals. In these circumstances, I should like to have some explanation from the Honourable Member in Charge as to why, in the face of these facts, no amount was provided for making rewards for the destruction of wild animals.

With these remarks I conclude my speech.

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[*Dewan Bahadur K. R. Godbole.*] [2ND AUGUST 1920.]

The Honourable Dewan Bahadur K. R. Godbole:—Your Excellency,—I am not going to take a review of the whole budget as the preceding speaker has done. I will confine my remarks to a few items in the budget.

Reference has been made in the Council to the establishment of the forest college at Dharwar. I have been making enquiries as regards this item, and I find that the college is intended for the recruitment of rangers; and what is the number of these rangers? I find that the number is 175. The question is whether an expensive college, the buildings of which are going to cost Rs. 3,50,000, and the teaching staff of which is going to cost Rs. 5,500 per year is required for supplying the wants of a service the strength of which is 175. I think a college simply for training rangers is hardly wanted. The want would have been equally well served if a forest class had been attached to the Agricultural College or to the College of Engineering at Poona. Unless, therefore, Government have in view the training of others than rangers, the expenditure on the college seems to be—I will not call it a mistake—one that might very well have been saved by the institution of the class that I have referred to.

Then I find, sir, another item that has been provided in the budget and that is new agricultural schools. I find that these schools are to be boarding schools, and the boarding cost is to be borne by Government. There is going to be one school of this description attached to each district which means, eventually we will have 30 schools in the Presidency, probably containing 40 scholars each, and the boarding of all these scholars will have to be paid for by the tax-payer. I do not think that this is right. In the case of boarding schools that are required in the Presidency in the case of our agricultural schools, it would probably be permissible, as an encouragement, to charge the cost of the boarding of boys to the state for the first 5 or 6 years. After that, the boarding cost ought to be borne by the guardians of the pupils. The only assistance or the only encouragement that these schools should expect from the general tax-payer after the first five or six years, would be scholarships for the encouragement of agricultural education. I submit, sir, that the idea of continuing this free boarding arrangement in the case of agricultural schools should be discontinued when each school has been in existence for five or six years.

Then, I want to invite the attention of the Council to the special department that Government have for stationery and printing presses. I find that Government have kept a special department for stationery. Now, I ask the Council to consider whether the stationery that is required for public offices cannot be obtained from respectable dealers in Bombay and other trade centres. I also ask the Council to consider whether all the printing that is to be done on behalf of Government would not be equally well done if it were entrusted to private enterprise in the Presidency town and in the mofussil. I submit that these suggestions of mine are quite practicable, and Government should consider whether they cannot abolish the Stationery and Printing Presses Department altogether, and entrust the work that is being executed by it, to private enterprise in a progressive Presidency like Bombay.

The remarks that I wish to make with reference to another item have been already referred to in the budget. The item is the provincial loan account that we have with the Government of India. The position about this account is this. The provincial Government borrows from the Government of India money for advancing to agriculturists and to local bodies and others, and pay 5½ per cent. interest on this account; while they hold in the treasury accumulated balances of from Rs. 3,00,00,000 to Rs. 4,00,00,000. Now, I ask why out of this inflated balance of Rs. 3,00,00,000 or Rs. 4,00,00,000, a large proportion, say Rs. 2,00,00,000 or Rs. 3,00,00,000 should not be taken away and utilised for making the advances that have to be made to agriculturists and to local bodies and others, and thus save the interest charges that the provincial Government have to pay to the Government of India. The matter is already, I find, receiving, the attention of Government, and I think the arrangements should be carried out as early as practicable. If, out of the Rs. 3,89,00,000 that we are going to have as balance at the end of the year, say, Rs. 3,00,00,000 were taken away and utilised for repaying the advance from the Government of India, the provincial funds would benefit to the extent of over Rs. 17,00,000.

Then, sir, I want to make a few remarks with reference to the Public Works Department to which I had the honour to belong some time ago. This department, I am glad to see, is going to spend Rs. 1,72,00,000 in place of Rs. 1,44,00,000 that it spent in the

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previous year. But the Council must not be under the supposition that there will be a greater number or extent of public works with the increased grant than were constructed before the war. I find the public works expenditure in 1912-13 was Rs. 83,61,000. The prices of materials and labour have gone up to about 150 per cent. since that time, and for executing the same number and extent of works as were carried out in 1912-13 the grant that is available this year will hardly prove sufficient. I am glad to note that we are going to get a substantial grant, but with this substantial grant the extent of public works that we are going to get will be practically the same as we had before the war. In connection with this department I want to invite the attention of your Excellency's Government to the necessity of seeing that the expenditure incurred by the department is really effective and incurred on economical lines. I am compelled to make this remark by what has happened in connection with the drainage works in Poona. Your Excellency was good enough to ask a specialist, Mr. Watson, to examine the drainage and water supply works at Poona and to make a report regarding them. I have had an opportunity of seeing Mr. Watson's report in which he has made certain adverse remarks as regards the works as carried out. He has pointed out that the service and settling reservoirs in connection with the water supply works as constructed by the Public Works Department are leaking to a frightful extent. He has also pointed out that the mains that are laid in the city should have been 7 inches in place of the existing 4 inches put in, to carry the sullage water from 4 inch house connections, which in the case of some mains number twenty or thirty. This mistake should not have occurred, but it has been made.

Then, the city of Poona has got road-side gutters for surface drainage and many of these gutters have been blocked in carrying out the house connections. Many of the house connections have been badly made, and considerable provincial funds have recently been allotted, for correcting the mistakes that have been made. What I submit, sir, is that the general tax-payer is entitled to see that the money that he gives for public works is really spent in an efficient manner, and that mistakes like those which have been pointed out by the specialist, Mr. Watson, should not occur in future.

Then again, sir, I find in the case of the distillery at Khanapur, there are two items provided in the budget: an amount of Rs. 77,000 for pumping spent wash of the distillery and an amount of Rs. 42,000 for re-packing purification filters. I do not know the details of this scheme, but it seems to me that some mistake has been made in selecting the site for this distillery, and on account of this mistake such a large expenditure is now being provided for. I submit, sir, that if a mistake has been made, a recurrence of such mistakes should be avoided in future.

Then, sir I want to advert to the head of Education. The Honourable Member in Charge has provided a very large amount for education, and I congratulate him upon having secured such a large amount. But the side of education which requires urgent attention in these days is technical education. This, however, finds a very small place in the educational programme that he has put forward. The matter of technical education is probably under the consideration of Government, but what we pray for is that the consideration should be expedited. As your Excellency has pointed out in more than one educational address that you have recently given, we have had too much of literary education in this Presidency and now more attention should be given to technical education. The only provision that I find for technical education in the budget is the provision of a meagre sum of between Rs. 4,00,000 and Rs. 5,00,000 and this amount is allotted to the College of Engineering in Poona, the Ranchhodlal Chhotalal Technical Institute in Ahmedabad and the School of Art in Bombay. I submit, sir, that this matter of technical education should receive early attention from your Excellency's Government.

Then I want to advert to another department of Government and that is the department of development of industries. I find that the amount Rs. 7,77,000 has been set aside for this department in the budget. It is proposed to utilise this amount almost entirely in the entertainment and appointment of a certain number of high officers. .....

The Honourable Mr. G. S. Curtis:—I beg the honourable member's pardon. What is the scheme?

The Honourable Dewan Bahadur K. R. Godbole:—The outline is given at page 87 of the budget under head Development of Industries. What Government proposes to do during the year has been put down there. What do we find? We find that Government

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intend to appoint a number of high paid officers. In my opinion, sir, the correct way would have been to appoint only a few special officers necessarily required and the next step should be to start one or two small factories for demonstration purposes. I would have expected the starting of a small pottery or a fish-oil and guano factory in one of our sea coast districts, either on the same lines as followed in Madras. If about a lakh of rupees had been spent in setting up small factories in this manner, some factories of fish oil and some small pottery factories would have been started by this time. Instead of this, Government propose to have experts and pay them salaries of Rs. 1,000 a month and upwards. In the case of fisheries, Government want a superintendent of fisheries, a marine biologist and a costly staff to assist. Negotiations are in progress for the purchase of a steam trawler and for the appointment of a master and skipper and a first hand to work it. The latter is again all establishment. What I submit, sir, is that instead of this heavy establishment charge a better way would have been to start a demonstration factory just as they have started in Madras. Sir Frederick Nicholson has been on this work for a number of years. He has already done all pioneer work. We should take advantage of this and start one of these fish oil and guano factories as an example to be followed in our Presidency. These would have been more correct lines to adopt. The proposed specialists will certainly be useful but before they come in, a commencement in starting small industries should be made on the lines that have been indicated. With these remarks, sir, I resume my seat and hope that the remarks made will have some effect on the framing of the next budget.

The Honourable Mr. B. S. Kamat:—Your Excellency,—The Honourable Member in Charge of the Finance Department has characterised this year's budget as an establishment budget. I wish to confine myself mainly to a few points arising out of the revision of the establishments which is the outstanding feature of the present year's budget. In the first place, I must say the subordinate establishments in the Presidency will be thankful to your Excellency's Government for having taken up this question very earnestly in hand and pressed it upon the attention of the Government of India for final permanent solution. Yet I believe there are certain points which have left, I think, a good deal of heartburning among the lower subordinates to which I feel it my duty to invite your Excellency's attention. In the first place, that heartburning is due to the fact that certain lower grade services have not at all yet been finally dealt with in regard to revision so far as the Government of India is concerned; and, in the second place, regarding the revision which has been already sanctioned, there are certain defects in giving effect thereto which possibly, if Government are very liberal in the consideration of the rules, it is possible for them to remove. Well, regarding the lower paid services there are two or three which have not yet been satisfactorily dealt with. One of them has been referred to by my honourable friend Mr. Pandurang Desai, I mean the talatis in the districts. I have received in the same way as my honourable friend Mr. Desai has perhaps done, numerous letters from talatis in the Ratnagiri district, so also from the Northern Division, complaining of their present state owing to the poor salary they are getting and the urgent need for revision. Now, in the recent general revision for subordinates I believe it has been laid down that the lowest paid clerk gets Rs. 30. I think it is time for your Excellency's Government to come to a similar decision regarding what the talatis should get under the revised scale. For, if it is necessary for the clerks to have Rs. 30 as a minimum, I believe it is time to decide what the minimum should be in the case of talatis, who have been given considerable work in the record of rights. They have some sort of status as vernacular clerks in the Revenue Department and I believe their case deserves serious and sympathetic consideration. The second class is the class of vaccinators who should also have better pay and they deserve early consideration. Their salary has been revised, I am told, only last year; but still, as in the case of the others, their case also deserves a good deal of consideration. Thirdly, there is a very large class of public servants, *viz.*, the primary teachers. Now, one characteristic feature of the revision that Government has been pleased recently to sanction seems to me that they have cared more in the first instance for the better paid class of servants. Looking at the Financial Statement we see, for instance, provision has been made for the revision of pay of deputy collectors, of something like Rs. 2,75,000. Similary, for the revision of forest rangers Rs. 2,68,000; and a good deal of provision has been made for the revision of pay and allowances of the police department, which comes to Rs. 59,00,000. Now when the more highly paid services get such consideration the lower paid services, like the primary teachers, or talatis, require, I contend, still better consideration, but their case has not yet been decided. I therefore very strongly urge that the case of primary teachers should be soon dealt with. Numerous conferences

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have been held by the teachers and this question has been urged upon the attention of the members of this Council. Although other departments, other subordinates, have had their due, still primary teachers have been left behind. I believe before the next budget is framed, Government will take into consideration the revision, the permanent and final revision, I mean, of the pay of primary teachers and deal with their case on a liberal scale. If Rs. 30 has been fixed as a minimum wage for a clerk, a similar minimum wage should be provided for teachers and should be fixed once for all.

Having referred to these two or three lower paid serivces, I shall now, with your Excellency's permission, point out the defects which struck me in the circular granting the revision this year, for which provision has been made in the budget. In giving effect to the time scale and new pay, as announced in a Press Note, I suppose the whole of the budget is framed on the basis that the revision would be brought into force with retrospective effect only from the 1st of April 1920. I believe in this connection there is a feeling among the subordinates that effect should be given to the new scale from the 1st April 1919. Hopes have been raised—I do not know whether justifiably or otherwise—hopes have been raised in this respect by certain remarks contained in the Revised Financial Statement of this year, on page 6. On page 6 of the Revised Financial Statement published in March last by Government, it was stated that certain proposals were submitted by the Bombay Government to the Government of India recommending certain scales of war allowances and that effect should be given to the revised scale of allowances from the 1st April 1919. I wish the Honourable Member in Charge of the Finance Department will kindly elucidate this point for me by a statement whether it was the intention of Government to give such retrospective effect from April 1919 in the case of the war allowances only and not in respect of the revised scale of pay. Then again in Government Resolution No. 8311 issued in December last in the Finance Department, Government had invited proposals for the general revision of pay of the lower establishments. It was stated at the end of that Press Note that in certain cases Government would have to, or Government proposed to give retrospective effect to the revised scale of pay. Well, that Press Note was issued in December last. That also raised hopes in certain quarters that when this revision of pay was sanctioned by the Government of India, effect would be given to the revised pay not from the date of sanction but retrospectively, namely, possibly from the 1st April 1919. I am therefore asking this point to be made clear because in the Press Note issued last month giving effect to the revised scale of pay it is said that the retrospective effect would commence from the 1st April 1920, that is, this year and not last year. The next point is about the method which would be followed regarding what are called "advance increments" of certain clerks when they draw their pay under the revised scale. Now, there is a certain anomaly in giving effect to this rule of increments, and I wish the Honourable Member in Charge of the Finance Department would make some sort of allowance for it. Well, according to the Press Note and the recent circular which has been also published later, it seems that supposing a clerk is drawing a certain salary and has been recently promoted to that salary, he would get the advance increment according to the calculation of the number of years he has put in on his present salary and not based on the total length of his service. I shall give an illustration to make my meaning clear. Take the case of two clerks: both are drawing, say, a salary of Rs. 25 at present, but if one has been promoted to the pay only last year, from Rs. 20 to 25, so that he has enjoyed this pay of Rs. 25 only one year, and if the other clerk has been getting his pay of Rs. 25 for a long time, then the man who has had a recent promotion is worse off in the increments he would get than the man who has had no promotion; that is to say, a man who has been ten years in the service on the same pay would get according to the scale Rs. 55, whereas a man with less service but who was promoted only last year from Rs. 20 to 25 would get Rs. 45. This is an anomaly on which I think Government should make an announcement. The third point to which I wish to draw your Excellency's attention is regarding what is called the permissible cost. What is now declared to be the policy of Government in applying this revision to certain offices? Now, the heads of offices in applying the revision scale have to calculate the redistribution of the posts in their department or in the offices on a certain basis. That basis, as declared by Government, is this. They have to take into account the pre-war cost of the offices, and to it add the present percentage of increase, and the additional percentage which has been sanctioned by the Government of India, to find out the total which is to be the maximum, or what is called 'permissible cost'. Within that permissible cost they have to readjust and redistribute the total number of posts which they have at the present moment, and so fix the increased salaries of the different clerks as not to exceed the permissible cost.

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[*Mr. B. S. Kamat; Rao Saheb H. D. Desai.*] [2ND AUGUST 1920.]

Now this is so far all right. But when in actual practice this is applied by the head of a department to his office, it does so happen that because there are a large number of posts on the lowest paid salaries, that is, on the salaries ranging from Rs. 30 to 80, there is a congestion and the holders of those posts have to linger on for promotion till they get to Rs. 80 and no further. The proportion of low paid posts is so vast that it is absolutely impossible for men who are getting a salary of Rs. 30 to 80 to be promoted in the natural course to higher posts because they are very, very few. The so-called revision is therefore ineffective. That fact was brought to my notice and I take this opportunity of placing it before Government with a view that although Government have given orders to the heads of departments to redistribute the particular posts, I think, it will be better if that redistribution of these particular posts is made in such a manner as to have more posts in the higher grades rather than a very large number of posts in the poorly paid grades. When there is such a large number of posts in the category of clerks drawing Rs. 25 to Rs. 30, there is no possibility whatsoever of men getting a steady flow of promotion and coming into higher posts of Rs. 125 and onwards. The fact is that the number of posts carrying the salaries of Rs. 30 to Rs. 80 is so enormous and posts carrying the salary of Rs. 125 and Rs. 175 are so few that the number of the former is say 115 while that of the latter is only 10 or 15—it is absolutely impossible for the low paid men in spite of the revision to get higher posts and retire on Rs. 150 or Rs. 175. That is a grievance, and I take the opportunity of bringing it to the notice of this Council.

As regards the other departments, I wish to make only one remark about the excise department. I wish to know from the Honourable Member in Charge whether Government is committed to the present system of giving away the liquor shops by auction for the next few years. I raise this point for the simple reason that in the coming years the whole basis of the financial position of the Presidency will depend upon the excise revenue. The present excise revenue to my mind is inflated by the system of selling the liquor shops by auction. It is just possible that in the new councils when the excise portfolio which is a transferred portfolio goes to a Minister and if the system of selling individual liquor shops by auction to individual purchasers is done away with, then possibly we may not have the same amount of revenue from excise for our general expenditure. The whole budget will depend and will hang on the revenue which we might derive from the system of contracts on fixed fee system or auction. I wish to know from Government whether Government are committed to sell these shops to individual purchasers for the next two or three years by the same system or whether they will leave it to the new Minister in charge of excise to have his own excise policy unfettered by any previous commitment and will allow him to give away the liquor shops as best he likes according to the system he might think fit.

The Honourable Rao Saheb H. D. Desai:—Your Excellency,—More than one honourable members have congratulated the Honourable Member in Charge for the liberal grants under the head Education. Of course that is all right so far as it goes but it occurs to me as to what will be his position next year, or what will be the position of the Minister who will be in charge of the portfolio of education on account of the new policy which Government have announced in the last financial statement. I think your Excellency is aware what the policy is. The new policy is that the *pro-forma* account of the surplus excise revenue is to disappear altogether with this budget. It is said that the Government has been compelled to revise their policy as regards the earmarking of certain sources of revenue for specific purposes as being financially indefensible, and on this account it seems that the surplus excise profits which were allocated to education, sanitation and medical would entirely disappear.

Now I wish to say that this Council is aware of the circumstances under which additional revenue under the head of excise was obtained from the changed system of the disposal of the right of retail vend of country liquor. It was then said, if I am not mistaken, that the licensees pocketed large profits and that they corrupted excise officers, and that consequently it was necessary that Government should pocket the profits and devote the surplus towards laudable objects. Now, honourable members of this Council are aware that the public regard excise revenue as morally indefensible. But on that ground the critics appear to have been silenced by a loaf of sugar at the time in the shape of an offer to devote the surplus revenue to good objects such as education, sanitation and medical relief. Practically it seems that Government at that time undertook to atone for obtaining revenue from that source by devoting it to purposes which would be for the uplift of the masses in the shape of offering to them better prospects for primary education, in the shape of giving them more medical relief and in the shape of improving the sanitary arrangements of the Presidency.

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[2ND AUGUST 1920.] [*Rao Saheb H. D. Desai; the President; Mr. C. V. Mehta.*]

Now I submit, sir, that the plea which is put forward, that the earmarking of certain sources of revenue for certain purposes is financially indefensible is one which I am unable to appreciate quite properly and I would request your Excellency to be so good as to explain the position how it is financially indefensible. I would indicate my difficulty upon that point. With reference to expenditure where we make certain grants we earmark them for particular purposes and we say that it shall be devoted to the particular purposes and we come upon the local bodies to whom such grants are made and it is financially defensible or administratively defensible to earmark a certain grant for a certain expenditure.

His Excellency the President :—Order, order. I am sorry to interrupt the honourable member. I am not aware that anybody has yet said that the system is indefensible.

The Honourable Rao Saheb H. D. Desai :—It is stated in the last paragraph of the Financial Statement presented in March last.

My submission is that our position at present is that we are in the near future likely to lose our expanding source of revenue, I mean the chief expanding source of revenue, which is the income tax, and there are hardly other expanding sources of revenue which will remain to us. Under these circumstances education, sanitation, and medical relief are likely to suffer in the near future and it is for this reason that I refer to this subject and request for an explanation why this change of policy has been made after once securing the revenue. It was a grant obtained with the concurrence of the Council for additional revenue under the head of excise and after having secured that revenue and having worked it for three years Government now seek to change the policy.

It looks to me personally at least a sort of administrative juggle. I have only to refer to one other subject, namely, the revision of establishments which the previous speakers have referred to. I think the grievances of the talatis and the police patels and primary teachers are very real grievances and I trust that in their case the matter will be dealt with early and in a proper spirit.

His Excellency the President :— The Council will now adjourn till 2-45 p.m.

The Council then adjourned for lunch.

After lunch.

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

His Excellency the President :—Further discussion on the budget.

The Honourable Mr. C. V. Mehta :—Your Excellency,—I wish to make a few remarks in connection with the expenditure on the department of industries, to which reference has been made by the Honourable Dewan Bahadur Godbole. I have the honour to represent the Indian Merchants' Chamber on the committee appointed by the Director of Industries. I think I must point out that the statement that the expenditure in the budget amounting to over seven and a half lakhs consists mostly of establishment charges is not quite accurate. It will be noticed in the first place, sir, that in the budget estimate for the year 1919-20 the expenditure was put down at Rs. 5,05,000. In the revised estimate it was Rs. 1,40,000, which shows that the amount that was anticipated as likely to be spent last year was not spent, and the reason for it was that an expenditure of something like Rs. 3,50,000 which was to be made on the steam trawlers for fishing—it was one of the points to which the Honourable Dewan Bahadur Godbole referred—could not be undertaken in the last year. You will also notice, sir, that in the budget notes which were circulated with the civil estimates a recurring expenditure of Rs. 33,000 was provided for the demonstration pottery factory which is proposed to be put up in the current year. So it will be seen that the other matter to which the Honourable Dewan Bahadur Godbole referred, namely, that he would like to see the establishment of a demonstration factory has also been taken in hand. Quite apart from these two points, to which he referred and for which he will now see that provision has been made, it is necessary to employ men with technical knowledge if you wish to make your industries a success, and I think, it is also necessary to provide for salaries which will attract the right sort of men that we require, and it is because it was not possible to obtain these men during the last year that the expenditure that was anticipated has not been worked up to. On the whole it will be seen that not only has capital provision been made for the purchase of the steam trawler and for the demonstration pottery factory, but arrangements have been made to obtain the right type of men who will see that the expenditure in the direction of industrial development will meet with results that we all desire.

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[*Mr. M. de P. Webb; Sir G. Carmichael; the President; Mr. R. P. Paranjpye.*] [2ND AUGUST 1920.]

The Honourable Mr. M. de P. Webb:—Your Excellency,—Speaking as one of the representatives of the remote province of Sind—I say remote because it takes two and a half days to get here, as compared with one and a half days to Simla or Delhi and only one day to Lahore,—I should like to give expression to the satisfaction which we feel that the province of Sind is receiving a much greater share of attention at the hands of your Excellency's Government than we have enjoyed in previous years. We see evidence of this attention in the provision of money for additional lights on the Sind coast,—in the provision of money for construction of roads in Sind, very badly wanted, and also in the substantial sums allotted for public buildings in Karachi and elsewhere. We should certainly like to see our new Judicial Commissioner's Court built as soon as possible, but there are still more important matters that urgently call for attention, and I should like to take this opportunity, with your Excellency's permission, of mentioning them. There are four things in particular which we in Karachi are most urgently in need of. The first is the payment of the arrears equitably due by Government to our local bodies—the Karachi municipality and the Karachi Port Trust for services rendered—which arrears run into nearly twenty lakhs of rupees,—not payable by your Excellency's Government, but by departments of the Government of India—and we look to your Excellency's Government for assistance in having the matter attended to by the Government of India as soon as possible.

The Honourable Sir G. Carmichael:—I rise to a point of order. I think that the honourable member is referring to what really is an Imperial subject and not a Provincial one.

His Excellency the President:—On the point of order, the honourable member is entitled to illustrate his argument by any reference of that kind, but he is not entitled to go further into an Imperial Government subject.

The Honourable Mr. M. de P. Webb:—I do not propose, your Excellency, to say more than merely appeal to your Excellency's Government for assistance in this matter. The second subject—a most important matter—is the provision of larger and better water supply, both for the province of Sind and the city of Karachi. The city itself which is at present sadly short of water, is awaiting the results of the experimental borings now being made in the Malir valley and the sanction of your Excellency's Government to the construction of an additional water conduit to Karachi. With regard to the Sukkur barrage and high level Sind canals project which I believe your Excellency's Government is giving the very closest attention to, we are most anxious to see a start made with this long overdue scheme. Perhaps the most important matter of all is the question of Karachi's railway connections. We are now looking first and foremost to the early construction of our Great North Central trunk railway from Karachi to Cawnpore via Mirpurkhas, Jodhpore, Beawar, Gungapur and Gwalior, and we would ask your Excellency's Government's assistance to secure the earliest possible construction of the Sind section of this most important lined railway communication.

These, sir, are the four most urgent matters for which we beg your Excellency's powerful assistance. I should like in conclusion once more to express on behalf of the Karachi Chamber of Commerce, which I represent, our great satisfaction at the allotments made in the present budget to the province of Sind.

The Honourable Mr. R. P. Paranjpye:—Your Excellency,—I did not intend to rise at all on this debate, especially as the Honourable Member in Charge of the Finance Department has told us that the present discussion is in an especial measure like flogging a dead horse, but I would only utter one word of protest against some steps which are being taken which will commit the future councils in a permanent manner. I refer to the large number of new appointments that have been made by Government, which will tie not only the Government as it is constituted at present but as it will be in the future. At the last session of the Council I asked a question about the number of new appointments that have been made recently and we find a list of about 40 appointments, and several of these appointments are not only temporary but appointments which will fetter the hands of the future councils. Now, therefore, if I make a protest in this direction, it is not like merely flogging a dead horse, but it is like saying that the horse should not come in the way of the new councils. Our new Government of India Act distinctly lays down that the new councils are not empowered to add to the emoluments of any of the appointments or reduce any appointments or make any change in the appointments made by the Secretary of State. Now it is exactly this that Government is doing at a furious rate in recent times, and I only wish to emphatically point out that this is not treating the new regime in quite a fair manner. With these words, I do not wish to take up any more of the time of the Council.

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[2ND AUGUST 1920.] [*Mr. S. B. Upasani.*]

The Honourable Mr. S. B. Upasani:—May it please your Excellency,—In discussing the last year's budget I had drawn attention to the fact that a disproportionately large share of our total revenue goes to the Government of India and a disproportionately small share remains for expenditure within our Presidency. Last year I pointed out that out of a total revenue of over 33 crores 22 crores went to the Government of India and only a little over eleven crores remained for our Presidency. Even this year the amount available for our provincial share comes to only Rs. 11,73,00,000 as against Rs. 19,68,00,000 going to the Government of India. I had suggested that in any new arrangement that may be come to, a more equitable distribution of the total revenue from the Presidency may be secured. I hope something in that direction will be done and that the proposals which have been made by the Meston Committee will not be readily assented to by our Government.

Now the next point to be noted in connection with the budget is the large increase in expenditure under several heads that has taken place. More than three years ago, my friend the Honourable Mr. Patel brought a resolution asking for the appointment of a committee for an enquiry with a view to the reduction of the expenditure. Instead of any reduction having been made, or an enquiry in that direction instituted, we find the expenditure mounting like anything.

The increase of expenditure under the head of Education is welcome, and we congratulate the Honourable Member in Charge of Education for having secured a large increase in the allotment for that department. As regards other departments, I do not think we can say the same.

If we go over the figures of police expenditure during the last two years, we find that it has increased from Rs. 1,19,33,534 in 1918-19 to Rs. 1,67,69,000.

Now, coming to the other heads, we find that even in the matter of land revenue there has been an increase during the last two years, in spite of famine having occurred only two years back. Even this year, the conditions are not as favourable as they should be, and I hope that the increase budgetted will not be enforced. The total amount budgetted for, I think, is nearly Rs. 1,54,00,000 more than what it was in 1918-19, and considering the present conditions, I hope that the land revenue demand will be reduced. In connection with this I wish to say that the expenditure on famine relief during the famine year was disproportionately small, and I hope more liberality will be shown in the future in dealing relief in a famine year.

Attention was drawn by the Honourable Mr. Desai to the very small remuneration that is paid to the village servants, who collect the revenue, I mean the talatis. But the talatis' lot is not so bad as that of the vatandar kulkarnis. The talatis are getting from Rs. 12 to Rs. 20 and even more per month, but the case of the kulkarnis is very hard indeed. I think something must be done to increase the emoluments of these subordinate officers if we are to keep them from starvation or from being driven to corruption.

Then as regards Excise also, the increase in the revenue is a matter for regret. The total revenue from this head in 1916-17 stood at only Rs. 2,60,00,000. Now it has mounted up to Rs. 4,30,00,000. This very large increase in the course of only four years, is, I think, not justified, and I hope steps will be taken to see that this revenue is reduced.

As regards Income tax, it is not open to me to discuss this head of revenue, but nevertheless it is a matter which calls for comment as regards its increase and the share taken by the Government of India.

Then as regards forests also, we find that the expenditure which stood at only Rs. 25,00,000 in 1916-17 has now gone up to over Rs. 54,00,000. It has more than doubled. The income has not proportionately increased. The fact that we have to spend Rs. 54,00,000 for an income of Rs. 90,00,000 is, I think, from a commercial and economic point, not very satisfactory. The whole of the forests are owned by the state, and probably very little has to be spent otherwise than on the remuneration of the staff.

As regards Registration, attention has been drawn by my honourable friend Mr. Desai to the small expenditure incurred thereon. The total income has risen from Rs. 8,37,000 to Rs. 13,00,000. The Honourable Mr. Curtis assured us, when I brought a resolution on this point, that the surplus would be utilised in part for an increase of the clerks' pay. I do not know how much of this increased income will be required for the increase of the clerks' pay, but if the whole is not needed, I hope some reduction will be made in the fees charged at present.

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The same may be said of stamp revenue. The stamp revenue comes to Rs. 1,65,00,000, and the expenditure for its collection comes to only Rs. 3,30,000. We might say that it is the most economically managed department, but I think this economy is carried too far, and something must be done to remove the inconvenience to the public, to which attention has been drawn by the Honourable Mr. Desai, and was drawn by me in the resolution which I had moved in this Council for increase of the existing number of stamp vendors and the fees paid to them.

Then as regards the head of Education, I think the increased allotments, shown in detail in the budget, are very satisfactory. I should, however, like to know the details about the appropriation of the surplus excise revenue, which is reserved as a lump provision for educational expenditure. The total amount comes to Rs. 25,46,000, and the details given only cover a portion of that amount. Then, as regards particular items of expenditure, I should desire to know how much has been actually spent so far for the introduction of compulsory education, and for trying the experiment of teaching English in vernacular schools, and how far that experiment has been successful, and whether it is proposed to spend a larger amount on this experiment in this year; also as to what is being done for extension of visual instruction for which grants have been provided. When I moved a resolution in this matter I received an assurance from the Honourable Member in Charge that the grants would be utilised. I think action should be taken to give effect to the suggestions made by me in my resolution on this subject. I would also suggest the great need that there is for opening new medical colleges and law schools, considering the overcrowding in the existing institutions, and the need of prompt action to remove the hardship at present suffered by the medical college and law class students in Bombay. Adequate hostel accommodation should be provided for them, or, if that is not possible, new institutions should be opened elsewhere.

Then with regard to another medical item, I might point out that a resolution was moved by me and was accepted by Government to start a laboratory for examining the properties of indigenous drugs. I do not know whether any progress has been made in that direction. A committee was appointed, but little has come out of it, and I think that if a moderate scheme is adopted, it would be possible to give effect to the resolution.

As regards Sanitation, a large amount has been allotted, but I do not know how much would be actually utilised. In 1916-17 only Rs. 1,12,000 were spent out of these grants, in 1917-18 Rs. 3,83,000 and in 1918-19 Rs. 2,65,000. In 1919-20 Rs. 17,67,000 were budgetted but only Rs. 5,31,000 were spent out of that sum and the balance remained unutilised. This year the allotment is Rs. 23,63,000, and I hope that the whole of this allotted sum will be utilised. There is great need for sanitary projects in the mofussil, and I think that help on a liberal scale should be given. In connection with this I would like to say that the grant-in-aid to village sanitary committees is only one-fourth of this expenditure on sanitation. I think that it must be at least three-fourths of the expenditure, and if we cannot afford to spend as much as that, it should be at least one-half.

Then as regards medical expenditure, it will be noticed that a very large proportion of it goes to the Presidency hospitals. The total expenditure on them is over Rs. 10,00,000, whereas for all the mofussil hospitals it comes only to Rs. 8,27,000. Taking into consideration the population of Bombay city and that of the mofussil, I think the amount spent for the mofussil hospitals is disproportionately small. The need for increasing the expenditure on the mofussil hospitals, and also for putting the mofussil hospitals and dispensaries on a better footing than they are at present will, I hope, be seriously considered. Then again we find that on account of the I. M. S. medical officers engaged the expenditure has increased beyond reasonable proportion. It was Rs. 89,582 for Lieut.-Colonels in 1918-19, and this year it has gone up to Rs. 2,55,000 and in the case of Majors from Rs. 22,350 in 1918-19 to Rs. 1,08,600 this year. Then as regards vaccination, I have to point out that a very large burden is placed on the municipalities and local boards. The expenditure on local vaccination establishment is saddled upon them as also the greater portion of that incurred on the Belgaum Vaccine Institute. Considering their very moderate means, I think they ought to be relieved of this whole expenditure, and it ought to come from provincial revenues and not from the very limited incomes of these poor bodies.

Then as regards the expenditure on agriculture, it has no doubt doubled since 1916-17. but I think it is more in the direction of strengthening the staff than of starting new

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schools. A resolution was moved by me, suggesting the starting of agricultural schools in each district, and it was accepted by Government. But very few schools have yet been opened, and I hope that steps will be taken to give effect to my resolution this year as it is in the interests of the general mass of the agriculturists that this should be done. At present a good deal is being spent on the administration of this department for demonstration farms, but I think that if we wish to have any permanent improvement, we ought to begin with the younger generation. The older generation cannot be taught new methods so easily through demonstration farms and therefore schools for teaching scientific agriculture should be opened not only at the district headquarters, but also in talukas, and the instruction should be given in the vernacular so as to be available to the sons of poor and illiterate agriculturists. At present there is only one agricultural college in Poona and for admission to it students have to pass the P. E. examination before they can get entrance. Poor agriculturists have neither the means nor the desire to educate their children up to the P. E. examination and for these children the agricultural college is not accessible at all. Therefore, I think, that the best method will be to have some provision made for giving instruction in elementary knowledge in scientific agriculture in the higher vernacular schools or at least in the high schools up to which probably the student agriculturists can go under the present circumstances. Your Excellency was pleased to observe in your recent speech at Dharwar that there is need for improvement of the school curriculum so as to make it more practical than literary, and I hope that necessary steps will be taken for a radical change in this direction, so that the curriculum may suit the actual needs of the public. At present the education given is only literary, and very little is done to give any practical education.

Then as regards industries. Several of my honourable friends have already drawn the attention of Government to this subject, and I regret to have to observe that while most sustained efforts have been made in other countries even during the war, to do the needful in the matter, we are practically sitting with folded hands and very little has been done in spite of a special department having been created for that purpose. The reports received from the Director of Industries have been meagre and probably more or less apologetic, and I hope that the next year's report will show not merely additional appointments of highly paid expert officers for the department but some more tangible results as regards industrial progress. In Bengal private efforts have been made to send more than 50 students abroad for higher industrial education, but very little has been done here. I think it would be better if arrangements were made for sending 50 or 60 of our best graduates to other countries to advance their education than wait for the opening of new institutions. We might even work at both ends, sending out students and also by starting new industrial institutions and strengthening the existing ones.

As regards public works, provision is made for increased expenditure, but communications get very little. Repeated complaints have been made by us in this Council about the inefficiency of communications in the northern talukas of the two districts of East and West Khandesh, which bring in to Government more than Rs. 50,00,000 of land revenue and we have pressed for a bridge on the Tapti for each of these two districts. Early steps must be taken to remove this inconvenience.

With these few words, I close my remarks on the budget.

The Honourable Mr. P. J. Mead:—Your Excellency,—The department with which I was formerly connected has come in for a good deal of criticism, but fortunately I need not add very much to the able defence by the Honourable Mr. Chunilal Mehta. The Honourable Dewan Bahadur Godbole is like the famous Budge, and 'wants to see the wheels go round.' As the Honourable Mr. Chunilal Mehta has explained, it is mainly a question of establishment. We are quite ready to start pioneer industries and demonstration factories as have been recommended by the Industrial Commission. But we must have the necessary establishment. Mr. Bell is at present home on leave, and he is endeavouring to collect both information and the necessary technologists and engineers and whatever may be required. Further it is only quite recently that the Government of India have communicated their proposals as regards an all-India Chemical Service, and an all-India service of Mechanical Engineers is also projected. This will form the common pool into which we will doubtless dip to borrow any men that may be needed for the department.

As regards the pottery factory, the Honourable Mr. Chunilal Mehta has explained the position. The site has been selected, and estimates have actually been worked out. I may even say that with a view 'to see the wheels go round,' some button-making machinery was taken up, cleaned, put into working order and an experiment made which

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has, however, not resulted in anything of practical importance so far. Then as regards the steam trawler, negotiations for its purchase are practically complete. Mr. Walke who is Superintendent of Fisheries, has already been down at Madras, and he has made practical experiments himself as regards the possibilities of preparing fish manure and extracting oil from sardines. But before you start an industry even of so simple a character as extracting oil from sardines, you must first catch your sardine, and I think the Honourable Dewan Bahadur Godbole must admit that practically every industry and certainly a Fisheries Department must have a scientific basis and we must know more of the life history of our fish. He complains of the establishments which are projected and which have already been entertained. But in Madras analogous establishments have already been entertained. There is a soap factory working under a scientist, Mr. Menon. Mr. Hornell looks after the fisheries. A certain amount of knowledge is required before any practical experiments or demonstrations can be carried out.

The Honourable Mr. Purshotamdas Thakurdas made a point as regards the amount of time that probably the Director of Industries has to devote to the Indian Munitions Board. That point has not escaped the notice of Government. It was fully discussed, and I may remark that various deputy controllers were supplied to Mr. Thiselton-Dyer and a personal assistant also at the expense of the Government of India; and so far as my own knowledge goes—I do not know whether the Honourable Mr. Purshotamdas Thakurdas is in a position to correct me—the amount of time which Mr. Thiselton-Dyer has to spend on the Munitions Board is not considerable, while certain advantage is gained by his both getting into touch with markets, and also utilising, to a great extent, the literature and the services of experts at the disposal of the Munitions Board.

I will now turn to the question of fodder storage in which the Honourable Mr. Purshotamdas Thakurdas is interested. Honourable members will recollect that in the press note issued by this Government the main fodder storage centres were given as, what we call the Nawapur area, a certain area to be selected in Gujarat, and an area in the Central Provinces which would cover the Deccan, and Karajgi in the Southern Maratha Country, where it would be possible to get kadbi at extraordinarily cheap prices, and shred and press the kadbi for distribution along the Southern Maratha metre gauge railway. The proposals have not been sanctioned so far but collecting centres have been selected at Godhra, Palghar and Mahim. This will supply the quantities originally projected for Northern Gujarat. As regards Mandwa, some difficulty has arisen. Our negotiations with the Central Provinces are not at an end, but the present proposal is that we should enter into negotiations with local traders and the rates at which the grass is at present offered—the grass I may mention is suitable for the purpose—make it quite prohibitive, and I fear there is great danger that the proposals for a Mandwa centre will fall through. As regards Karajgi, some difficulty is also experienced in arranging for the necessary machinery. However, we are making still greater efforts, and we hope that something will be done in time for the next harvest. The Nawapur area is fully organised, and terms have been drawn up for this area as well as for Gujarat also. I may mention that there will be a conference held in Simla very shortly to which this Government is deputing an officer, when questions probably of transport and inter-departmental transfers and the like may also be considered.

I now turn to the various questions raised by honourable members as regards the revision of pay of various establishments, and I will first take the case of the talatis which has attracted the sympathy of almost all honourable members. I doubt whether Government would accept the proposition that the position of the talatis is precisely the same as the position of clerks, and whether the terms that we are proposing to give to our clerical establishments could justly be meted out to the talatis. In the first place, the terms offered to clerks were intentionally ultra favourable for this reason that we considered that not only is the present clerk badly fed; badly supplied in every way, but that he is not of the class that we hope to obtain. The talati is probably the last relic of the old vernacular karkun, but his case is under consideration. As orders have not been taken, I cannot say what terms will be sanctioned, but a substantial improvement has been suggested, and orders will issue shortly.

With regard to the question of police patils which was raised mainly, I think, in regard to Ratnagiri, orders, if not issued, will issue very shortly.

The Honourable Mr. Kamat, if I remember right, raised the question why retrospective effect should not be given from the first of April 1919 in the case of the new terms offered to clerical establishments. He pointed to certain orders under which the tem-

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porary and provisional allowances were given such retrospective effect. To this I would say that from the very beginning this Government has dealt first with the most urgent cases. The menials and the poor paid clerks were all dealt with at once because it was impossible to expect that they could stand the strain. We went a little further with our temporary and provisional allowances, and we gave the retrospective effect to them, to which the Honourable Mr. Kamat has referred. But it does not follow that we should follow the same precedent—all precedents are dangerous, and extremely so in the case of finance—with all the clerical establishments and indeed the number of lakhs of rupees involved would probably make the Honourable Mr. Kamat shudder.

I may also remark in passing one point which perhaps has not occurred to all honourable members, that nothing is so expensive as raising the pay of the low paid establishments. They are far the most numerous. You may add secretaries or members without entailing much burden on Government. But if you touch the pattewalla and the low paid clerk, the amount runs into lakhs at once.

Another point raised by the Honourable Mr. Kamat was the question of increments. If I remember right, under the circular to which he has referred, increments are only allowed if a clerk has been three years in one grade. No account is taken of the number of years of total service. The Honourable Mr. Kamat asks, why? The answer is simple. It would have been quite impossible to calculate the results of any such proposals. We could have made no budget provision. Further, I think, it would undoubtedly be most extravagant to do so. Experience of the ordinary land revenue establishment teaches one that there are always, at present at any rate, a certain number of clerks who rise to Rs. 30 to Rs. 40 and there they stick and probably they remain there deservedly. They are not worth more. Eventually they will be eliminated we may hope. If the inefficient men who have remained on Rs. 30 under the present regime were suddenly promoted to Rs. 80 because they had 20 or 23 years' service, the charge would have been enormous and it would have been quite impossible to meet it. We could not have estimated the cost in the first place, but we could safely have surmised that it would have been more than the provincial finance could afford. That is the only reason.

It is necessary to remember the fact that the Finance Department has no widow's cruse, and the oil is running low. The figures of additional demands which the honourable member has quoted are probably on the low side. I am not in a position to give more accurate figures, but the Council may take it that resources are really strained to the utmost.

One last point, the forest question raised by the Honourable Dewan Bahadur Godbole. He referred to the ranger classes and the amount to be spent on the Dharwar college for a small number of appointments. The figures he quoted were for the number of rangers at present in service. I imagine that the Honourable Dewan Bahadur Godbole is not aware that the establishment is under revision and very large additions are under consideration. Further it is proposed that the college will take in students from the Central Provinces—the Central Provinces are not going to have a college of their own—as well as, I think, from native states.

The Honourable Rao Bahadur S. D. Garud:—Your Excellency,—The Honourable the Finance Member told us that no changes have been made in the figures that were put down in the budget estimates that were presented to the Council in March last. I think there are a number of items that will probably not be expended at all during this year and that the amounts provided for in the budget will therefore ultimately lapse. I wish the honourable member had told us what he was going to do about the reappropriations or whether there are any items sanctioned by Government till now to which reappropriations were to be made and, if so, what items; whether there are any items in the budget which it was definitely ascertained could be dropped during this year and the amount provided for which could be reappropriated for other items. I recollect four or five lump provisions for which no definite provision has yet been made and those items run into several lakhs of rupees. I am sure many of them will not be expended during this year. At any rate I do not think, one figure, for instance, the amount provided for the Dhulia drainage, Rs. 2,00,000, will be expended this year. The amount will remain unexpended and will probably be available for reappropriation. If any such reappropriations are proposed I request that Government should first take into consideration the schemes that were placed before them in the form of budget resolutions at the meeting of March last and try to provide for such items. I hope the suggestion will be considered

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and if it is considered many of the items and many of the suggestions placed before Government may have the chance of being carried into effect.

The Honourable Mr. Harchandrai Vishindas:—Your Excellency,—I propose to confine my remarks only to two points relating to the requirements of Sind and will not take up much time of the Council. I have been specially tempted to speak by the remarks that have fallen from my predecessor, the Honourable Rao Bahadur Garud. He has shown, and I think satisfactorily, that there are several items of expenditure provided in the budget which do not stand any chance of being spent. Well, if that be the case, I want, with your Excellency's permission to crave your Excellency's Government to divert those items to Sind. Now it was remarked, if I understood the Honourable Mr. Webb rightly, that the provision for spending on public buildings in Karachi was not of such pressing importance as some other items of expenditure which he suggested. With due submission, your Excellency, I will recall attention to certain resolutions which have from time to time been passed in this Council. Now, whilst I am referring to certain requirements of Sind and drawing your Excellency's particular attention to these particular items of expenditure I do not lay any claim to originality but I am referring to matters which have been the subject of resolutions in this Council from time to time.

In the first place I am referring to public buildings in Karachi. Now I might recall the event which took place 10 years ago and which must be within the recollection only of the Honourable Sir Ibrahim Rahimtoola and the Honourable the Advocate General. The very first proposition that was moved before this Council as reformed in March 1910 related to public buildings in Karachi and it was unanimously accepted by the Government and generally in this Council that public buildings in Karachi ought to be constructed. I well remember at that time the Honourable Sir John Jenkins remarked that this subject had been first mooted twenty-one years before making a total of thirty-one years. Now that is over a generation. Again the Honourable the Advocate General put forward last year a proposition which received the unanimous support of the Council under your Excellency's Government. He described the squalid and undesirable environments of the Judicial Commissioner's Court in Karachi, and it was unanimously accepted that this was a most pressing need and ought to be supplied without the slightest difficulty. Add to that the fact that your Excellency only recently performed the solemn ceremony, in connection with public buildings in Karachi. If, your Excellency, it appeared to your Financial Department that any of the items of expenditure that have been provided in the budget need alteration, then I most earnestly beg your Excellency to make a provision for these public buildings, at least for the Judicial Commissioner's Court in Karachi.

The next point which I wish to touch was also the subject matter of very great discussion and I may as well say accepted by this Council. I mean the roads in Sind. About four or five years ago it was pointed out to the utmost dismay of almost every member in the Council that whilst the Southern Division received a grant of eight lakhs of rupees for its provincial roads, Sind received only as many hundreds; only Rs. 800 was spent upon provincial roads in Sind. Ever since then honourable members from Sind have been from time to time pressing upon the attention of Government the great necessity and desirability of making provision for roads in Sind and it is a matter of the utmost gratification to me that I find in the answers to questions by honourable members, answer No. 12 to the Honourable Sheikh Ghulam Hussein, that Government propose to provincialise sixteen roads in Sind. I say that is a matter for congratulation and for gratification. However, I am not a little bit disappointed that none of these roads have been provided for in the present budget. I wish that had been so. Of course we are thankful for small mercies, in so far as we find that the Cemetery-Drigh Road and Karachi-Hub Road have been provided for in the present budget. As pointed out by the Honourable Mr. Webb there is another item of Rs. 50,000 for roads in Sind also for which I am grateful. Now whilst I recognise the pressing importance of Cemetery-Drigh Road, because it is intended to have communication with the aerodrome, which I think, will be a great boon to Karachi, because Karachi will then be on the aerial route from abroad to India, I do not see the equal importance of Karachi-Hub Road. However that may be, I think it would have been just as well if Government had been able to see its way to providing some few new roads, which in answer to the Honourable Sheikh Ghulam Hussein were promised to be soon taken in hand, because I find that all attention of providing roads has been concentrated on Karachi which, in my humble opinion, is not fair to the other parts of the province. There are some roads like, say, the Jungshahi-Tatte and Shikarpur-

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Jacobabad Roads which deserve equal if not more attention than this road from Karachi to Hub. However, I do not wish to take up the time of the Council more.

In conclusion, I join with the Honourable Mr. Webb in thanking and congratulating the Government for the closer and closer attention which they have been of late giving to the interests of Sind.

(At this stage His Excellency withdrew and the Honourable the Vice-President occupied the chair.)

The Honourable the Vice-President (Sir G. Carmichael):—The Honourable Mr. Purshotamdas Thakurdas referred to one question in connection with forests with which the Honourable the Chief Secretary did not deal. His point was with regard to the higher profits of departmental working. The Honourable Mr. Purshotamdas Thakurdas pointed out that in 1918 a very large amount of forest work was done departmentally and that proposals for the current year involve a decrease in departmental work in spite of the admitted fact that departmental working gives the larger profit. I would however invite his attention to paragraph 18, page 11, of the Budget for 1920-21. It will be seen that the figures for 1918-19 were swollen very largely by famine fodder operations. The grass was extracted by the Forest Department departmentally and in return they were paid by the Revenue Department for what they extracted. This, however, is an unusual feature in the budget occurring in 1918 and 1919 and of course in the following year 1919-20 when famine operations were going on. As a matter of fact the Chief Conservator of Forests has been asked to experiment on an expansion of departmental working where this is not carried on to the extent it is in the Southern Circle. In the Central and Northern Circles work is done mainly through contractors but now the forest officers have been asked to undertake departmental working in the Northern Circle to see what can be done under the departmental system there.

With regard to the remark that the Honourable Mr. Purshotamdas Thakurdas made as to the Director of Industries being overwhelmed with work from the Munitions Board I think that those who actually know what work had to be done realize that the Bombay Government were justified in giving the assistance which they did to the Munitions Board through the Director of Industries.

With regard to the fodder storage question I do not know whether the Honourable Mr. Purshotamdas Thakurdas would like to have any further explanation in addition to what was stated by the Honourable Mr. Mead. It seems to me that the Honourable Mr. Mead's remarks have met his point very fully.

With regard to the question of putting the Cotton Contracts Board on a permanent basis, the matter is still under discussion with the Government of India. As the honourable member is aware the Indian Cotton Committee recommended that the legislation which they advised should be undertaken for the benefit of cotton cultivation in this country should be Imperial legislation and the question is still under the consideration of the Government of India. I have always thought with regard to the question of deterioration of staple that it would have been better if the Honourable Mr. Purshotamdas Thakurdas had brought in the bill which he and I had discussed together, without waiting for the decision of the Cotton Committee.

The Honourable Mr. Purshotamdas Thakurdas:—May I say, sir, that the bill was stopped as you suggested that it should be put off till the Committee's report was out?

The Honourable the Vice-President (Sir G. Carmichael):—My recollection is entirely opposed to what you say. I may be wrong. It was some time ago.

The Honourable Mr. Purshotamdas Thakurdas:—I think I have a letter from the Honourable Mr. Keatinge that the bill should be postponed.

The Honourable the Vice-President (Sir G. Carmichael):—The next question I have a note of is with regard to the provincial roads in Sind. Honourable members from Sind have all said that they are glad to see that Government have of late been doing something more for their distant province. They doubt, however, whether enough is being done in the matter of provincialising roads. During the last year two new roads have been constructed, namely, the Hub Road and the Malia Road; while the Maureypur Road is under construction. In addition to this, sixteen local board roads have been provincialised in the mofussil outside Karachi. The provision for these 16 roads is included in the Public Works Department grant for repairs. They are existing roads, I understand, and not new roads. They were maintained by the local boards, and now are being provided

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for out of the Public Works Department grant for road repairs. So it is not correct to say that no provision has been made for them in the budget.

The Honourable Mr. Webb referred to the three schemes, namely, the Karachi Water Supply, the Sukkur Barrage and the better railway communication to Delhi and Central India. I have no information as to the stage which the Karachi Water Supply Scheme has reached. I understand that it is an urgent matter. But it has not come before the Financial Department, nor do I know whether the Karachi Municipality expect to receive any aid from Government beyond expert advice from their engineers. I have not seen any proposal that Government should give them any assistance from provincial funds, and if such a proposal does come before Government, I have no doubt it will be considered with care.

As regards the barrage I think matters are moving as fast as can be expected. The project was I believe submitted to the Government of India quite recently.

As to the Railway communication the Government of Bombay are keenly interested in all improvements in the means of communication by rail and they are always ready to give what support they can to schemes for additional lines.

Coming to the judicial buildings at Karachi I think the Honourable Sheikh Ghulam Hussein Hidayatallah said that the progress has been stopped because the land had not yet been made available. I wish to say that that is not quite correct. The land has been handed over, but it is true that until the new buildings which the Government of Bombay are undertaking to provide for the military department in lieu of the existing accommodation at Karachi have been completed, the military must remain in occupation of a certain portion of the land. The military are in occupation of the land at present but it has been agreed that there will be no objection to the commencement of the building work immediately the Government of Bombay are ready with their plans.

The Honourable Mr. Harchandrai said that it was ten years since a resolution on the subject of these buildings was moved in this Council. I remember that resolution very well and also the late Sir John Jenkins saying that the case has been under consideration for 21 years before that. The present Government has been pursuing the matter as fast as possible. The present difficulty has been to secure satisfactory plans and designs, worthy of the great city of Karachi. That has led to some delay. I believe the designs have now been settled and Government hope to be in a position to commence the work very shortly.

The Honourable Mr. Harchandrai Vishindas:—Hear, hear.

The Honourable the Vice-President (Sir G. Carmichael):—The Honourable Sheikh Ghulam Hussein made another request on behalf of Sind that an increased grant should be made to the district local boards in order that these boards should be in a position to improve their roads. As I have said Government have proceeded in another way. They have taken over from the local boards sixteen of the local board roads for maintenance. He also referred to the fact that mamlatdars' pay has not come under revision. That is unfortunately the case. Orders have not been issued as to the mamlatdars' pay as the matter is under the consideration of Government. The matter has been held up for the reason that in this province the last pay of deputy collector's post has been Rs. 300, and that is the starting pay for deputy collectors which the higher authorities now propose to sanction for this Presidency and for other Presidencies in India. This did not to the Government of Bombay seem sufficient and at present discussion is going on with regard to this matter. If the pay of the lowest grade of deputy collector is to be Rs. 300, this makes it rather difficult to devise a proper scheme for the mamlatdars who come next in order below the deputy collectors. If a satisfactory conclusion is come to about deputy collectors, then the case of mamlatdars can be taken up. The whole case is ready but until that point is settled it is rather difficult for us to move in the matter.

The Honourable Mr. Mead has spoken about talatis. The Honourable Mr. Pandurang Desai referred, I believe, to the kulkarnis also. As regards kulkarnis Government must adhere to the position they have always taken up that they cannot undertake to give any increase to hereditary village accountants. The Honourable Mr. Pandurang Desai asked for an increase in the number of stamp vendors. But, I think, it was shown in the discussion to which he refers that the number of stamp vendors is not unduly small for the amount of business to be done. Both he and the Honourable Mr. Upasani suggest that Government should make no profit out of the registration department. The Honourable Mr. Pandurang Desai said that that revenue comes entirely from poor cultivators.

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I hardly think that that is the case. A very large sum under the head Registration comes from large cities in connection with the land transactions particularly in Bombay city and the city of Poona.

The Honourable Mr. Upasani seemed to suggest—I do not know whether that was his intention—that we are taking too much land revenue, too much income tax and too much under registration. He proposes to cut down the revenue and at the same time to increase the expenditure. He must remember that money is required for the additional medical colleges, which he suggests and for his law students whom he takes under his particular care, and also for grants to the municipalities for vaccination. I hardly think it is possible to carry on in that way, cutting down revenue and increasing the expenditure. As I have already said the budget proposals are for a deficit of 97 lakhs.

The Honourable Mr. Mead pointed out that my estimate of 47 lakhs in addition to what is provided in the budget for the revision of establishments might prove insufficient; if the Honourable Mr. Mead's surmise proves correct it will be necessary to find still more money by re-appropriation and that I think disposes of the Honourable Rao Bahadur Garud's proposal that Government should take into consideration again the question of providing for the bull breeding farm on the Satpuras in which he is much interested and other proposals which were left out when the revised financial statement was prepared.

The Honourable Mr. Pandurang Desai proposed that steam ploughs should be provided for the lazy cultivators in Bijapur who have allowed their fields to become grass bound. There is a steam plough working in the Southern Division. It works with considerable profit to Government. But it is not right that Government should undertake industrial work. If it undertakes small industries as recommended by the Honourable Dewan Bahadur Godbole it does it with a definite object for experiment and demonstration. It is beyond their province to undertake to clear the land of every cultivator. The proper function of Government is to demonstrate what can be done with steam ploughs and tractors.

The Honourable Mr. P. A. Desai:—Will Government be pleased to ask district local boards to have model steam ploughs for the people?

The Honourable the Vice-President (Sir G. Carmichael):—Government have a steam plough in use in Dharwar in the Southern Division and they are at present experimenting there with tractors.

The Honourable Dewan Bahadur Godbole referred to the forest college as being too expensive. The Honourable Mr. Mead explained that the staff of rangers will have to be increased. This increase is necessitated on the introduction of every new working plan, and if we bring in, as is proposed, students from the Central Provinces, they will come in on condition that they pay for the training they receive.

The Honourable Dewan Bahadur K. R. Godbole:—May I ask whether the Central Provinces are going to contribute to the cost of the college?

The Honourable the Vice-President (Sir G. Carmichael):—I think when it was proposed that our students should go to the Coimbatore college in Madras, the arrangement suggested was that Bombay should pay so much per head and I expect that this will be the arrangement which will be followed in connection with the Central Provinces students.

The Honourable Dewan Bahadur Godbole suggested that the provincial loan and advance account should be financed out of provincial balances. This question formed one of the subjects for consideration by Lord Meston's Committee and this Government suggested that the Government of Bombay should take over a portion, not the whole, of the outstanding tagavi. As it happened, our tagavi debt, at the end of March last, stood at a very high figure, about 380 lakhs. The provincial balance would be absorbed nearly altogether if we took over the whole. So it was agreed to take over a part and from time to time to take over the balance more or less according to a definite programme.

The Honourable Dewan Bahadur Godbole also referred to the fact that there were defects in the Poona drainage and water supply schemes which were carried by Government on behalf of the local body. It is admitted that there were defects in those schemes, but with regard to the Honourable Dewan Bahadur's reference to the criticisms made by Mr. Watson, one should remember that Mr. Watson was an expert and it was almost certain that an expert would find some defects existing. Mr. Watson came with a ful knowledge of the very latest practice in the matter of drainage and water supply schemes. So it was to be expected that he would be able to point out defects. Government are prepared to admit that there were defects in the schemes as carried out.

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I do not understand why the Honourable Dewan Bahadur Godbole criticises the location of the Khanapur distillery at Khanapur. That distillery is near a river. In this country it is exceedingly difficult to locate a distillery on a river which is not used for drinking purposes. In Khanapur the river water is used for drinking purposes and Government decided to spend money in sterilizing the wash from the distillery which is run into the river. But it does not necessarily follow that because this process was undertaken the distillery is located on a bad site.

The Honourable Dewan Bahadur K. R. Godbole:—My information, sir, was that the immediate proximtiy of this distillery to the town of Khanapur and to other important villages in the neighbourhood made it necessary that this tank should be set up, otherwise it would not have been set up.

The Honourable the Vice-President (Sir G. Carmichael):—Yes, exactly; but that does not mean that the distillery is on a bad site. You would find in dealing with practically any distillery now that it would be necessary to make arrangements to sterilize the wash which is thrown out from the distillery.

The Honourable Dewan Bahadur Godbole said that more attention should be given to the technical education. He commented on the comparatively small amount which was provided in the budget for technical or industrial education. It is true that the provision in the budget under that head is comparatively small, but it is not because Government have forgotten the matter. They have had the matter under close consideration for some time. The difficulty is to make quite sure that we are taking the right road when we embark on a programme. Immediately that decision is taken by my honourable colleague, then on his advice the expenditure will be provided.

The Honourable Mr. Kamat asked whether liquor shops would be auctioned for three years. The position is that after the decision to depart from the fixed fee system and to go in for the auction system, which decision was taken in 1918, the orders were that the shops should be sold for three years. The currency of the term for which the shops were sold will expire on the 31st March next. The auctions will be held, if they are to be held, in January next. The Honourable Mr. Kamat asks whether Government are likely to do anything which will commit the Ministers who will be in charge of the Excise Department when they come into power. It seems to me that it will be for the Ministers to decide what course to pursue with regard to the disposal of the shops. Before the time comes for holding the auctions the Ministers will, I take it, be in the saddle and in that case the decision will rest with them. In any case, if the existing Government have to decide the matter, they will not do anything which would commit the Ministers to a particular policy beyond a limited period.

The Honourable Rao Saheb Harilal Desai, on the question of excise, suggested that it was quite wrong to say that the system of earmarking the surplus profits under the surplus revenue received under the auction system as compared with the receipts under the fixed fee system, was not a proper one, and he said that the earmarking of these profits was not financially unsound. I understand that was the position he took up, that it was defensible, and he suggested that Government had bribed this Council to accept the auction system. Well, all I can say to him is that he knows, as well as I do, that in the matter of a bribe the person who is bribed cannot very well say anything about engagements to the one who bribes. But there are one or two points to which I should like to invite the Council's attention in connection with this matter. The first is that in the course of the current year the present Government will disappear and a new Government will come into being which will include Ministers, and the whole control of excise will rest with a Minister. This particular revenue is not derived from a special source. It is impossible to distinguish it from ordinary revenue. It represents the difference between auction fees and imaginary fixed fees. The auction fee varies according to the pitch of the still head duty according as that duty is adjusted on a higher or lower scale. If Government wished to increase the surplus excise revenue all that they have to do is to make the still head duty disappear altogether. On the other hand to reduce the auction fee revenue, all that is necessary is to push up the still head duty to a high figure. When the department goes to the Minister, it cannot be said that the Minister is bound by this system. It was not a Minister who gave the pledge. The pledge was given by the Government as at present constituted which will disappear in December next. That is one point. A still more important point is this. The whole revenue settlement will be changed. We get a new revenue settlement and with it we undertake new liabilities. Provincial finance will have to undertake the whole burden of famine expenditure, of expenditure on irrigation including such schemes

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as the Sukkur Barrage and its canals in Sind and also the whole cost of protective irrigation projects which at present are carried out at the cost of the Government of India. It seems to me that under new financial circumstances and with new obligations, it would be impossible to consider that a pledge given under entirely different circumstances by a different Government should be expected to continue.

The arrangement of earmarking is financially unsound. The honourable member said it was defensible. It is, however, really unsound, because there can be only one financial well out of which the allocation of the money must be made with the full knowledge of the benefit for the whole. If the honourable member were to push this particular arrangement to the extreme, then there would be no general revenues at all.

The Honourable Rao Saheb H. D. Desai:—My point, Mr. President, was whether all these considerations did not occur at the time when the surplus was allocated to particular.....

The Honourable the Vice-President (Sir G. Carmichael):—I did not understand that that was the point that the honourable member made. But the decision to earmark this revenue was given in 1918. The Honourable Mr. Curtis, who has a better memory, says that it was in September 1917, just about three years ago, that this arrangement came into existence, and it seems to me that three years is a sufficient time for any pledge of the kind to cover. At that time the Secretary of State's pronouncement had been made in August 1917. I think also that at that time the question of diarchy had been mooted but in the very limited sense of having separate Councils at divisional headquarters. Diarchy was in its embryo stage, and I do not think that Lord Willingdon's Government could be expected to anticipate the ultimate form the Reforms would take. I think that honourable members should be satisfied that due regard has been given to the promise given by Lord Willingdon's Government.

The Honourable Mr. Upasani says that the hospitals in Presidency towns get Rs. 10,00,000, and that the mofussil hospitals get only Rs. 8,00,000. Looking to the figures, I find that we devote Rs. 7,00,000 to the Presidency town, and about Rs. 8,00,000 to the mofussil. I think, out of the Rs. 3,00,000 for grants-in-aid, the mofussil gets a very large share, because the hospitals in Bombay are Government hospitals or are maintained by the municipal corporation.

The Honourable Mr. Upasani also said that a bridge over the Tapti is desirable, and that it would bring in Rs. 50,00,000 land revenue. I think the Honourable Mr. Upasani is right with regard to the bridge being a very desirable object. I think the Public Works Department have already built one very good causeway at Bhusawal, and I believe they are considering the construction of another causeway further west. After that is finished, I hope that the Honourable Mr. Upasani will still maintain that the cultivator benefits so largely by the bridge that he will be able to pay Rs. 50,00,000 more of land revenue. He usually says that the cotton-producing talukas of Amalner, Erandol, etc., are unable to pay the low assessment which is levied.

I think I have now dealt with all the points, except one and that is with regard to the Honourable Dewan Bahadur Godbole's suggestion that the stationery department and the Government printing should be entrusted to private agency. I am very diffident about the proposal. It is certain that if we had been in the hands of a private agency during the war, we should have had to pay very much more than we have actually paid. The department, as a matter of fact, is run on very economic business lines, and I think that if the Honourable Dewan Bahadur Godbole were to look into the management of the stationery and printing departments, he would find that it is not a source of profit to Government, but an item of reduced expenditure to Government.

With these remarks, I conclude my speech.

A BILL TO PROVIDE FOR THE EXTENSION OF PRIMARY EDUCATION IN THE CITY OF BOMBAY (BILL NO. IV OF 1920).

The Honourable the Vice-President (Sir G. Carmichael):—In view of the lateness of the hour, I propose to take item No. 4 on the agenda. It is a small and non-contentious bill.

A bill to provide for the extension of primary education in the city of Bombay (Bill No. IV of 1920), first reading. The Honourable Sir Ibrahim Rahimtoola.

BOMBAY CITY PRIMARY EDUCATION BILL.

[*Sir Ibrahim Rahimtoola.*] [2ND AUGUST 1920.]

The Honourable Sir Ibrahim Rahimtoola:—Mr. President,—I beg to move that the bill to provide for the extension of primary education in the city of Bombay be read a first time.

The Honourable Sir Ibrahim Rahimtoola moves the first reading of the bill.

It is peculiarly gratifying to me to be able to place before the Council a bill for the introduction of free and compulsory primary education in the city of Bombay. I cannot help recalling the fact that about twenty years ago, I raised the standard of free and compulsory education in this Council, for the city of Bombay, and the lines which I advocated on the several occasions that I addressed this Council on the subject are identically those which are now embodied in the bill which I am privileged to ask you to read a first time and refer it to a select committee to be passed in due course.

As regards the main features of the bill, honourable members are aware that the corporation wrote in to Government, intimating their intention of applying the principle of compulsion in the matter of primary education to the city of Bombay, within a period of ten years. They submitted that during that period they would make all the necessary preparations, by the extension of primary education, by the provision of school buildings, trained teachers, and various other materials which are necessary to impose compulsory primary education in a big city like Bombay. They asked Government that, in view of this intention, Government should respond generously in contributing towards the heavy cost which would be involved in applying the measure. After careful consideration, Government decided to deal generously with the Corporation in their efforts in this direction and agreed to contribute half the additional expenditure which that body may incur over and above what they were spending in 1918. As a necessary corollary of that arrangement, the corporation desired that an enabling act should be passed, authorizing them to introduce this measure whenever they found it convenient to do so. Honourable members must have observed that the bill is an enabling bill, authorizing the corporation to introduce compulsion in the whole city of Bombay, for both boys and girls, or for boys only, or for girls only, and, in the alternative, to apply it by wards or sections of the city, and to gradually extend it to the whole of it. Honourable members will realize that the question of the introduction of free and compulsory primary education in a growing city like Bombay is a very difficult problem, and that legislation on the subject ought to be based on lines which leaves the hands of the corporation free to apply it in such a manner as may be found convenient by the corporation, provided they keep in mind the goal of the application of free and compulsory primary education to all children, both male and female, throughout the city of Bombay. The bill has been framed on these lines, and it is now for honourable members to give it a first reading and to refer it to a select committee and then to pass it.

The bill has been subjected to some criticism in the press and I should like now to deal with it. It has been urged in some newspapers that the bill should make it compulsory upon the corporation to introduce free and compulsory primary education at once in the city of Bombay, both for boys and girls.

It appears to be overlooked that such a proposal is hardly a matter of practical politics. Apart from that aspect of the question, I should like to invite the attention of honourable members to the fact that when Government tries to force the hands of local bodies in matters of education and sanitation, they are subjected to severe criticism on the ground of undue interference with the self-governing character of these bodies. Surely the corporation is a public body composed largely of elected members whom public opinion can persuade to take any definite line of action they may deem desirable. If in this matter public opinion in the city of Bombay is sufficiently strong and if the corporation want, with a full sense of their responsibility, to apply the measure at once and to the whole of the City, Government will not stand in their way. It is a matter entirely within the responsibility of the corporation who will have to discharge all the obligations involved in introducing compulsion immediately. The only point which will have to be considered by Government will be the payment of the nine lakhs of rupees per annum which they have promised to the corporation when the extension of primary education reaches the stage of compulsion. It is a contribution which will grow from year to year, and I can assure honourable members that if the corporation feel that they are able, at an early date, to efficiently carry out the principle of compulsion in the whole of the city of Bombay both for boys and girls, and require that the Government contribution of nine lakhs of rupees should be paid against the estimated expenditure of eighteen lakhs much sooner than was anticipated, I do not think Government will raise any objection. Government are putting forward this enabling legislation, and if it is passed by this Council they will be glad to

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welcome as rapid an extension of primary education in the city of Bombay as the corporation is able to accomplish. This act will enable them to do so, and there can be no impediment in their way, so far as Government are concerned.

With these words, Mr. President, I beg to move the first reading of the bill.

The Honourable Mr. C. V. Mehta:—Mr. President,—I have great pleasure in supporting the first reading of this bill. I am glad the Honourable Sir Ibrahim Rahimtoola has dealt with the question of leaving the corporation free in the matter of applying compulsion at once or at a future date when it is convenient. I think it must be remembered that there are various difficulties in attempting to apply compulsion at once. There is the question of housing, of finding suitable and sufficient number of trained teachers, and I might also say that there is the necessity for a response from the public, however earnest may be the wish of the corporation for the immediate application of compulsion. I am glad to be able to say that the corporation are now finding that response. When the corporation approached Government less than two years ago for financial assistance, they laid down a programme which would make the application of compulsion possible within a period of ten years. I am also glad to be able to say that the schools committee of the corporation are anxious to introduce free and compulsory education long before that time, and I hope that this will be done for both boys and girls at an early date.

With these remarks I have much pleasure in supporting the first reading of the bill.

The Honourable Mr. R. P. Paranjpye:—Sir,—I have also very great pleasure in supporting the first reading of this bill, and I voice the hope as a resident, not of Bombay, but of the mofussil, that the bill will be put into operation at a very early date. Two or three years ago we passed a bill for the introduction of compulsory primary education in the area of district municipalities, but we find that the act has been brought into operation in one or two places only. The high hopes that we founded upon the passing of that act unfortunately have not yet been fulfilled. There has been in this very city of Poona a great deal of controversy about the way in which that act should be introduced, whether it should be introduced for boys only or for boys and girls simultaneously. I hope that in the city of Bombay no such controversy will arise and that the public of Bombay and the corporation will work together and introduce this bill at a very early date. In the present Council we could hardly go further than introducing an enabling bill, and so far as I can see, it has been practically drafted on the lines of the old bill. But I do hope that before very long we shall not be contented with a bill of a merely enabling nature and that public opinion will require even defaulting local bodies to introduce compulsion, whether they wish it or no, because this is an object which cannot be all left to the particular bodies concerned. Of course I am speaking with a little diffidence, but I do trust that the fate of this bill, not so far as the passing of it is concerned but the putting of it into actual practice, will be more fortunate than the fate of the other bill.

With these words I have great pleasure in supporting the first reading of the bill.

The Honourable Sir Ibrahim Rahimtoola:—Sir,—It is very interesting to find the Honourable Mr. Paranjpye advocating that the measure should be forced down the throats of the corporation which is a largely elected local body. It is forgotten that the application of this principle, though sound in theory, may be found in practice to be unsuitable by representative Councillors. No one would welcome more cordially than myself the introduction of compulsion in primary education throughout the Presidency. My views on that point are perfectly well known. But I do not think that the argument that the Legislature should force down the throats of largely elected local bodies any measures of this character, will commend itself to many. I can, however, tell the Honourable Mr. Paranjpye from my personal knowledge that the corporation, as constituted at present, is very keen and enthusiastic in the matter (hear, hear), and if they can possibly manage it—there are serious difficulties in the way—they will not delay applying the provisions of this bill to the city of Bombay.

I may say one word more, sir. As honourable members will observe, one part of the amending bill deals with the enlargement of the schools committee which will have to carry out these measures, and it is proposed to authorize the corporation to select four educationists from outside their own body, two being gentlemen and two ladies. It is a minor part of this bill which has been agreed to in consideration of the handsome grant

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that Government are making towards the promotion of primary education in the city, and I do trust that this Council will pass this bill when it comes from the select committee.

Bill read a first time.

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

The Honourable Sir Ibrahim Rahimtoola :—Sir,—I beg to move that the bill be referred to a select committee consisting of the Honourable Mr. C. V. Mehta, the Honourable Mr. R. P. Paranjpye, the Honourable Sir Dinshaw M. Petit, the Honourable Mr. S. K. Barodawalla, the Honourable Mr. Munmohundass Ramji, the Honourable Major C. Fernandes, the Honourable Mr. Phiroze C. Sethna, the Honourable Mr. H. P. W. Macnaghten, the Honourable Mr. G. K. Parekh, the Honourable Mr. J. G. Covernton, and the mover, with instructions to report by the 1st September 1920.

Bill referred to a select committee.

The motion to refer the bill to a select committee was then put to the vote and carried.

A BILL TO AMEND THE BOMBAY TOWN PLANNING ACT, 1915 (BILL NO. V OF 1920).

The Honourable the Vice-President (Sir G. Carmichael):—A Bill to amend the Bombay Town Planning Act, 1915 (Bill No. V of 1920). First reading. The Honourable Mr. Curtis.

The Honourable Mr. G. S. Curtis :—Mr. Chairman,—I rise to propose the first reading of a small bill which has been drafted to remedy certain defects in the actual working of the Act of 1915. The statement of objects and reasons will show what has been aimed at. Shortly speaking, clause 2 interpolates certain words in sub-section (1) of section 15 in order to deal with cases in which owners of certain plots, who were either bought out or given different plots in the final allotment sold the right to excavate earth from their original plots and so depreciated the value of their holdings. The object of the amendment is to enable allowance to be made for such depreciation. Clause 3 is practically a redraft of section 17 of Bombay Act I of 1915. Clause 4 deals with cases in which experience has shown that certain improvements contemplated by the town planning scheme should be taken into consideration, and as it is not possible to provide for every contingency, it is proposed to regulate by rule the manner in which estimates under section 19 of the Act should be made. Clause 5 (*a*). The amendment is consequential.

The Honourable Mr. G. S. Curtis moves the first reading of the bill.

Bill read a first time.

The first reading of the bill was then put to the vote and carried.

The Honourable Mr. G. S. Curtis:—As this Council has approved the first reading of the bill, I beg to move that the bill be referred to a select committee consisting of the Honourable Mr. C. V. Mehta, the Honourable Rao Saheb H. D. Desai, the Honourable Mr. B. S. Kamat, the Honourable Mr. Purshotamdas Thakurdas, the Honourable Rao Bahadur G. K. Sathe, the Honourable Mr. P. J. Mead, the Honourable Sir Thomas J. Strangman, the Honourable Mr. E. G. Turner, and the mover, with instructions to report by the 1st of September.

Bill referred to a select committee.

The motion to refer the bill to a select committee was then put to the vote and carried.

A BILL FURTHER TO AMEND THE BOMBAY TOWN PLANNING ACT, 1915 (BILL NO. VIII OF 1920).

The Honourable the Vice-President (Sir G. Carmichael) :—A bill further to amend the Bombay Town Planning Act, Bill No. VIII of 1920. The Honourable Mr. Curtis.

The Honourable Mr. G. S. Curtis :—Sir,—this is another small bill the need for which is obvious. In one or two cases in Bombay proposals have been made for the fusion of areas under one local authority. It has been found it is impossible to give effect to these proposals because one or more local authorities con-

The Honourable Mr. G. S. Curtis moves the first reading of the bill.

BOMBAY TOWN PLANNING BILL—SMOKE-NUISANCES BILL.

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cerned had under execution schemes under the Town Planning Act. The matter was referred to the highest legal authority and it was held that no local authority can be fused in any other local authority until the town planning scheme under each particular area had been entirely completed. It is in order to remedy this obvious defect in this act that this proposal has been made, the result of which will be that when the amendment is made, local authorities in any particular area will be able to take over a town planning scheme or part of a town planning scheme initiated by another local authority which has ceased to exist or has ceased to have jurisdiction over any area included in such a scheme. I beg to move that the bill be read a first time.

Bill read a first time.

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

The Honourable Mr. G. S. Curtis:—Mr. Chairman,—as the Council has approved the first reading of the bill I beg to propose that it be referred to the same select committee as the other bill with instructions to report on the 1st September.

Bill referred to a select committee.

The motion that the bill be referred to a select committee was then put to the vote and carried.

A BILL FURTHER TO AMEND THE BOMBAY SMOKE-NUISANCES ACT, 1912 (BILL NO. IX OF 1920).

The Honourable the Vice-President (Sir G. Carmichael):—A Bill to amend the Bombay Smoke-nuisances Act, 1912, (Bill No. IX of 1920). The Honourable Sir Ibrahim Rahimtoola.

The Honourable Sir Ibrahim Rahimtoola:—Sir,—I beg to move that the bill to amend the Bombay Smoke-nuisances Act be read a first time. Honourable members will have observed from the statement of objects and reasons that it is proposed to amend the rules and regulations reducing the period during which ocean going steamers can emit thick smoke beyond a given density so that the public may not be inconvenienced longer than is necessary. At the time when the original act was passed there was not sufficient experience for the framing of this bill and the rules. That experience has now been gained and it is proposed by the amendment of this act and the framing of the rule noted in the statement of objects and reasons, to introduce necessary improvements. The bill is not contentious and I hope honourable members will agree to give it second and third readings at this meeting.

The Honourable Sir Ibrahim Rahimtoola moves the first reading of the bill.

Bill read a first time.

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

The Honourable the Vice-President (Sir G. Carmichael):—A Bill further to amend the Bombay Smoke-nuisances Act, 1912 (Bill No. IX of 1920). Second reading. The Honourable Sir Ibrahim Rahimtoola.

The Honourable Sir Ibrahim Rahimtoola:—Sir,—I beg to move that this bill be now read a second time.

The Honourable Sir Ibrahim Rahimtoola moves the second reading of the bill.

Bill read a second time.

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

The Honourable the Vice-President (Sir G. Carmichael):—The Honourable Sir Ibrahim Rahimtoola.

The Honourable Sir Ibrahim Rahimtoola:—Sir, I now propose that the bill be read clause by clause.

Bill read clause by clause.

The Honourable the Vice-President (Sir G. Carmichael):—Clause 1. The Honourable Sir Ibrahim Rahimtoola.

The Honourable Sir Ibrahim Rahimtoola:—Mr. President,—I have got a formal amendment to move. It is that

"In clause 1 substitute '1920' for '192.'"

The amendment was put to the vote and carried.

Clause 1 was then put to the vote and carried.

Clauses 2 and 3 were then severally put to the vote and carried.

The preamble was then put to the vote and carried.

SMOKE-NUISANCES BILL—DISTRICT POLICE BILL.

[*The Vice-President; Sir Ibrahim Rahimtoola; Mr. S. B. Upasani; Rao Saheb H. D. Desai.*] [2ND AUGUST 1920.]

The Honourable the Vice-President (Sir G. Carmichael):—A Bill further to amend the Bombay Smoke-nuisances Act, 1912 (Bill No. IX of 1920). Third reading. The Honourable Sir Ibrahim Rahimtoola.

The Honourale Sir Ibrahim Rahimtoola moves the third reading of the bill.

The Honourable Sir Ibrahim Rahimtoola:—With your permission, sir, I now beg to move that the bill be read a third time and passed.

Bill read a third time.

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

A BILL FURTHER TO AMEND THE BOMBAY DISTRICT POLICE ACT, 1890 (BILL NO. X OF 1920).

The Honourable the Vice-President (Sir G. Carmichael):— A Bill further to amend the Bombay District Police Act, 1890 (Bill No. X of 1920). First reading.

The Honourable Sir G. Carmichael moves the first reading of the bill.

This bill has two objects. The first, which is the more important, is to enable the Government to appoint an additional superintendent of police in the districts of which the headquarters are large cities. There are three such districts in this Presidency, one is Karachi, another is Ahmedabad and the third is Poona. It is considered that it would be a very great advantage if instead of having one superintendent for the whole district including the city there were two superintendents of police, one for the city area and one for the district outside. The question was referred to at the time of the discussion of the revised financial statement because provision was made for the grant required to give effect to this scheme of having additional superintendents of police in these three large cities. The Police Act as it stands at present does not allow for the separate appointment of superintendents for those separate areas. It provides for one superintendent only in each district and it is impossible to divide up the district, to make two districts out of one district, because the district is in the charge of one District Magistrate.

The second object proposed to be achieved by the bill is the prevention of smoking and spitting in public buildings. As the law stands at present in the mofussil there are no means of preventing these nuisances. Recently we dealt with the city of Bombay and now it is proposed to apply a similar provision to the mofussil.

The Honourable Mr. S. B. Upasani:—Sir,—So far as clause 2 is concerned, I am sorry I cannot see my way to support the bill. I think that it ought not to be necessary to have separate superintendents for the proposed cities. District superintendents have a large staff at their disposal at present. Their duties are not as numerous as those of the District Collector and Magistrate and when we do not require separate Collectors for the cities in question there is apparently no reason why separate district superintendents should be needed for them. The district superintendents have generally experienced deputy superintendents to work as their personal assistants besides assistant superintendents, inspectors and sub-inspectors. If necessary an extra deputy superintendent may be put in separate charge of each of the towns for which separate district superintendents are proposed. The deputy superintendents are experienced officers, specially promoted for special work. They can keep order in the city. I do not think any necessity has been shown to justify the proposed innovation. Already the expenditure of the police department has been increased beyond all measure and this further expenditure will not be a move in the right direction. Assistant superintendents of police are officers who correspond to the assistant and deputy collectors and when these divisional officers can manage their divisions I do not know why the deputy superintendents and assistant superintendents should not be able to manage one city. That being the case, the provision proposed in this clause would appear to be superfluous and unnecessary.

As to the other amendment proposed in the bill I have no objection to urge at this stage.

The Honourable Rao Saheb H. D. Desai:—Sir,—I am inclined to think that this amendment, the amendment of section 3 of the District Police Act, seems to me unnecessary. I agree with the Honourable Mr. Upasani that there is ample provision for assisting the superintendent of police by appointment of an assistant or deputy superintendent of police and there is no reason why you should have a separate superintendent of police for a city. Their assistants can do that work as well. At present there are only inspectors of police in charge of cities and if that arrangement is found unsuitable you can very well, without amending the act, appoint assistant superintendents in the large cities. It is

DISTRICT POLICE BILL.

[2ND AUGUST 1920.] [*Rao Saheb H. D. Desai; Mr. P. A. Desai; Dewan Bahadur K. R. Godbole; Rao Bahadur S. D. Garud; Mr. Munmohundass Ramji.*]

simply multiplying large appointments and increasing the cost of establishment charges by undertaking such an amendment. It is not absolutely necessary. Their assistants can look to it. Therefore on principle I oppose the first reading of this bill.

Again, with reference to clause 4, the amendment proposes to prevent smoking and spitting in any building belonging to Government or appropriated for public purposes in contravention of notice. I do not think any case has been made out by any complaints in public papers or anywhere else of people indulging in spitting in public buildings, and there is no reason why an amendment of this sort should be undertaken. It would simply give a handle to the lower subordinates of the police department to annoy people when they choose. I would not like to give such a handle in the hands of such people.

I am therefore entirely against the principle of this bill and I oppose the first reading.

The Honourable Mr. P. A. Desai:—Mr. President,—I also rise to oppose the first reading of this bill. We have seen from the budget that the expenditure which is provided for the police department is Rs. 1,67,00,000. We do not want to have more superintendents of police. The work can be efficiently done by the assistants or the deputies who are men of experience and I therefore strongly oppose the first reading as far as this clause 3 is concerned. Now coming to clause 4, it says, "Smokes or spits in any building belonging to Government." In Bijapur there are several mosques and several places which belong to Government. And if this provision as it stands is passed, it might mean that a visitor who goes there to see the building is not to spit or not to smoke there. It is ridiculous. I therefore submit that the clause as it stands should not be passed. With these words I strongly oppose this bill.

The Honourable Dewan Bahadur K. R. Godbole:—Sir,—I am giving my opinion on this bill as an outsider not connected with police administration. From the commonsense point of view it strikes me that the bill is unnecessary and I hold with the Honourable Rao Saheb Desai that the police work in connection with large cities can be efficiently done by assistant superintendents working under the orders of the district superintendent of police. I do not see why a special district superintendent of police for a city like Poona or Ahmedabad is necessary. That will involve giving him a big building for his office. It will also involve giving him a set of clerks and in places like Poona he will perhaps want a fan over his head. Provision of separate superintendents should not therefore be made in the interests of economy. I think that an assistant superintendent of police will do very well for doing police work in large cities like Karachi and Poona.

Then as regards clause 4, the Council may be informed that there are several public places which are meant for district ryots to use and sit in as for instance, the ryot sheds of mamlatdars' kacheris or subordinate judges' courts where a ryot has to wait for hours together. If a district magistrate puts a notice according to this clause in a kacheri or court it means that ryots will be prevented from smoking their bidis for hours together while waiting in the ryot sheds for their business which will be a great hardship. I think therefore that clause 4 of the bill is very harmful. I therefore oppose the first reading of this bill.

The Honourable Rao Bahadur S. D. Garud:—Mr. President,—I am sorry I cannot see my way to agree with clause 4 of this bill. This clause is principally intended to prevent an ordinary ryot from smoking or spitting in a public building. But it is so unhappily worded that it may prevent a head of an office from doing that. An officer has to keep himself in the building for several hours together at a time and there are several officers who would not go without a smoke at a stretch for several hours. Therefore the provisions might operate hardly against a head of an office than even the poor ryots and I submit that it is a great hardship to have complicated rules and laws for the mofussil which would cause harm in great many cases. The police have in their hands several such small instruments by which they can easily annoy the ryots and any addition to such instruments is not a step in advance.

The Honourable Mr. Munmohundass Ramji:—Sir,—I also rise to oppose clause 4 of the bill as it is likely to cause a great deal of hardship. Once I remember while sitting in the court as an honorary magistrate in Bombay when some 20 or 30 persons were

DISTRICT POLICE BILL.

[*Mr. Munmohundass Ramji; Shaikh Ghulam Hussein Hidayatallah; Rao Saheb H. D. Desai; Rao Bahadur G. K. Sathe; Mr. B. S. Kamat.*] [2ND AUGUST 1920.]

brought before me for smoking in the verandah of the court-house and I can imagine the hardship if this clause is passed that will be experienced by the people who visit several of these places, especially the public places as mentioned in the clause.

The Honourable Shaikh Ghulam Hussein Hidayatallah:—Sir,—I have heard the previous speakers and most of them have objected to clause 3 which deals with the appointment of additional superintendents of police. My honourable friend Rao Saheb Harilal Desai asked where was the necessity of appointing superintendents of police. Why not have inspectors of police? And there were other suggestions as to having deputies or assistants.

The Honourable Rao Saheb H. D. Desai:—I did not say inspectors.

The Honourable Shaikh Ghulam Hussein Hidayatallah:—I know somebody said so. I ask, why have you in the city of Bombay a highly paid police officer like the Commissioner of Police. In appointing that officer we have to take into consideration the local conditions and importance of the town. It will not be possible to manage a big city like Bombay unless you have there a highly paid officer like the Police Commissioner. Similarly in a place like Karachi it is absolutely necessary to have a highly paid officer. It is a place of commercial importance and there is much police work. Therefore I support wholeheartedly clause 3 of this bill.

I myself being a smoker I strongly object to clause 4 of this bill. There are heads of offices who I know do smoke in their office and I would therefore suggest that this clause should only be made applicable to such part or parts of a public building where there are public records and other documents or some other material which is likely to catch fire, and in such places smoking might be prohibited. But certainly the clause should not be made applicable to the whole of the pubilc building.

The Honourable Rao Bahadur G. K. Sathe:—Mr. President,—I oppose the first reading of the bill and particularly clause 4. I do not object to it on the ground which was set forth by the previous speaker. I never smoke. But I believe that the insertion of such a clause will not prevent the inconvenience which is now being felt but that it will work hard on the people who visit public offices. It is my experience that particularly in magisterial courts we hardly find the heads of offices whether Indian or European not smoking when they are in their courts or offices.

The effect of such a clause, where the notice is fixed under the proposed section, will be that the officers even if they are within the forecorners of this section, will not be hauled up because under section 73 it lies with the police officer to take action or not. And the others who loiter about or visit public offices or court-houses for business either as witnesses or parties or for the matter of that pleaders who smoke in public buildings might be hauled up at times. All this can be avoided and is, I think, being avoided by having a notice restricting smoking in places where public records are kept. No penalising provision is, I think, necessary. Nobody attempts to smoke in a place in which smoking will have a disastrous effect. But a penal provision in a case like this will rather work hard on the people and will give a handle to subordinate police officers to haul up poor people before magistrates and cause them an amount of inconvenience and trouble.

As for the other clause of the bill, namely, employing additional superintendents of police in big cities, Government has, if I remember aright, in the last budget that was presented to us in March, already sanctioned three places for the cities of Ahmedabad, Poona and Karachi. Now if the work is heavy, even the Honourable Mr. Upasani and the Honourable Rao Saheb Desai said that additional help may be given in the form of employing assistants or deputies. This question has however to be left to those who know the quantity and quality of the work. Looking to the size of the cities, particularly these three cities, I think it does not matter, whether a superintendent is employed or an assistant is employed to meet the requirements of the case. It will always depend both upon the quantity and quality of work and if more officers are required I do not see what difference it makes whether he is a superintendent or an assistant or a deputy. Though I am against clause 4, I am in favour of retention of this clause. With these few observations I resume my seat.

The Honourable Mr. B. S. Kamat:—Mr. President,—There is just one remark which I wish to make regarding clause 4, and with special reference to spitting. In those countries where buildings are kept scrupulously clean as against spitting, I find spittoons are provided in verandahs or in certain specific places. I should like to ask Government

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[2ND AUGUST 1920.] [*The Vice-President.*]

The Honourable the Vice-President (Sir G. Carmichael):—I rise to move that the bill be referred to a select committee consisting of the Honourable Rao Bahadur G. K. Sathe, the Honourable Mr. P. A. Desai, the Honourable Mr. B. S. Kamat, the Honourable Sheikh Ghulam Hussein Hidayatallah, the Honourable Mr. L. Robertson, the Honourable Mr. Purshotamdas Thakurdas and the Honourable Member in Charge, with instructions to report by the 1st of September.

Bill referred to a select committee.

The motion to refer the bill to a select committee was put to the vote and carried.

The Honourable the Vice-President (Sir G. Carmichael):—The Council will now adjourn till 11-30 a.m. to-morrow.

The Council then adjourned till 11-30 a.m. on Tuesday, the 3rd August 1920.

By order of His Excellency the Honourable the Governor,

G. DAVIS,
Secretary to the Legislative Council of
the Governor of Bombay.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

DISTRICT POLICE BILL.

[2ND AUGUST 1920.] [*Mr. B. S. Kamat; the Vice-President.*]

whether, before they wish to pass this clause into law, it is intended also here in this country to provide spittoons in public buildings before the District Magistrate's notice is affixed that spitting would be prohibited in a particular public building. Unless and until we adopt the same precaution and the same facilities against spitting that other Governments have for the safety of their buildings, I believe it is wrong in principle to say that people should not spit or smoke in public buildings.

I know the habits of the people in this country are well known; when this is recognized, I believe, it is incumbent on Government to provide spittoons in public buildings and then only prohibit spitting by law. This is so far as spitting is concerned.

Similarly, with regard to smoking, in other countries, I think, a smoking room is provided wherever possible. May I ask if Government in this country, before they pass such a clause into law, wish to provide in public buildings, in kacheris and in courts, smoking rooms for visitors who have to transact business in these places. Until a part of the building is set apart for smoking I do not think smoking should be prevented. The words used in this clause are "appropriated for public purposes in contravention of a notice fixed to such buildings", not 'a part of such building'. If the District Magistrate fixes a notice for the whole of the building then it would cause a very great inconvenience to those who visit that building. The wording of this clause is I think faulty. The idea of preventing a person from smoking or spitting without certain facilities is wrong in principle, and the section as drafted is also faulty and I oppose it.

The Honourable the Vice-President (Sir G. Carmichael):—Objection has been taken to this bill on two grounds. The first is that it would be simpler, it would be cheaper and it would be better to avoid having two superintendents of police in the heavy districts of Karachi, Ahmedabad and Poona. I think the Honourable Rao Bahadur Sathe was quite correct when he said that is a matter which should be left to those responsible for the maintenance of law and order. It seems to me that the machinery of having an inspector in charge of the city or a deputy superintendent or an assistant superintendent of police does not give the control which is necessary. Take, for instance, the city of Ahmedabad. Ahmedabad district includes Ahmedabad city at present. In the city the population is well over 200,000; I think about 300,000 now. The district outside is not compact and though not very large in area compared with some of the Deccan districts, it takes a great deal of time to get over it. Now if you have an assistant superintendent of police running the city under the superintendent or a superintendent running the city leaving the district to the assistant superintendent, it follows that the superintendent of police leaves one or other portion of his charge for which he is responsible to an officer who is unable to take the full responsibility. Assuming that the assistant superintendent is in charge of the city and trouble arises, he feels that the entire responsibility is not on him; if it were on him, he would decide at once what action should be taken. As the responsibility is not on him, but on the superintendent who may be at the moment 50 miles away, his action is unduly hampered. The assistant superintendent whom I assume to be in charge of the city knows the city quite well, but there is also the fact that above him there is the superintendent of police and that he is unable to undertake the full responsibility. If he acts in a certain way, he may be liable to be taken to task for having done what he judged to be a proper thing to do in an emergency. It seems to me that that is an unfortunate position into which to put any man and it would be very much better and much more effective to have quite separate charges when there is in fact sufficient work in each charge for a whole time man of a particular grade. The Honourable Rao Bahadur Sathe pointed out that a provision has been made in the budget, but that does not mean that the proposal has actually been sanctioned or will be sanctioned. But I think it was agreed to at the time the discussion that took place then that a case had been made out for the extra expenditure involved. It is certainly necessary in the case of the growing city of Karachi, where at present the superintendent is tied very much to work in the city and can give no time at all to work outside the city. Karachi city is expanding very rapidly and it is well to take time by the forelock and make provision for the police staff which the city requires at once.

Coming to the second part of the bill, I think the bogey which the Honourable Mr. P. A. Desai held up was exhibited on a previous occasion when we were discussing a similar provision for Bombay city. Some one said then that the Members of Council would be run in by the policeman outside if he noticed them smoking in the Council building. I do not think that any one suggested that as a matter of fact it would be right for them to smoke in the Council room itself. The fear was expressed of the danger of being

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[*The Vice-President.*] [2ND AUGUST 1920.]

run in for smoking in the verandah. It has been pointed out by one honourable member that a safeguard is provided in the bill by the provision that the notice must be signed by the District Magistrate. The District Magistrate will not fix the notice in a room in which it is ordinarily the custom for people to smoke. I am not sure now of the present practice in the mofussil. But I have seen magistrates on the bench—not judges—I certainly have seen magistrates on the bench smoking, and possibly in the mofussil judges also smoke. If a District Judge did not want smoking prevented in his court, he need not ask for a notice to be fixed there. If a notice has been fixed by a previous non-smoking judge, it would be open to the District Judge to ask the District Magistrate to remove the notice. However that may be, the question is one which should be examined by the select committee, and I propose, therefore, instead of adopting the course which is suggested in the list of business of the Council, namely, that the first, second and third readings be taken at this meeting, that the bill, if the first reading is passed, be referred to a select committee.

Bill read a first time.

The motion for the first reading of the bill was put to the vote and carried, 25 members voting for and 12 members against. The Council divided as follows:—

Ayes.

The Honourable Sir George Carmichael, K.C.S.I., I.C.S., *Vice-President.*
The Honourable Mr. G. S. Curtis, C.S.I., I.C.S.
The Honourable Sir Ibrahim Rahimtoola, Kt., C.I.E.
The Honourable the Advocate General (Sir Thomas J. Strangman, Kt.)
The Honourable Mr. Salebhoy Karimji Barodawalla.
The Honourable Mr. Rupchand Bilaram, LL.B.
The Honourable Mr. P. R. Cadell, C.S.I., C.I.E., I.C.S.
The Honourable Mr. J. G. Covernton, C.I.E.
The Honourable Mr. G. W. Hatch, I.C.S.
The Honourable Sheikh Ghulam Hussein Hidayatallah, LL.B.
The Honourable Major-General W. E. Jennings, M.D., I.M.S.
The Honourable Mr. H. P. W. Macnaghten.
The Honourable Khan Bahadur Pir Baksh walad Mian Mahmud, C.I.E.
The Honourable Mr. P. J. Mead, C.I.E., I.C.S.
The Honourable Mr. Chunilal Vijbhukhandas Mehta, LL.B.
The Honourable Sardar Shriniwas Coopooswami Mudliar.
The Honourable Sir Dinshaw Manockjee Petit, Bart.
The Honourable Mr. L. Robertson, C.S.I., I.C.S.
The Honourable Mr. C. N. Seddon, I.C.S.
The Honourable Mr. Phiroze C. Sethna, O.B.E.
The Honourable Mr. H. O. B. Stoubridge, M.Inst.C.E.
The Honourable Mr. Purshotamdas Thakurdas, C.I.E., M.B.E.
The Honourable Mr. E. G. Turner, I.C.S.
The Honourable Mr. Harchandrai Vishindas, C.I.E., LL.B.
The Honourable Mr. M. de P. Webb, C.I.E., C.B.E.

Noes.

The Honourable Mr. Dattatraya Venkatesh Belvi, LL.B.
The Honourable Mr. Pandurang Anant Desai, LL.B.
The Honourable Rao Saheb Harilal Desaibhai Desai, LL.B.
The Honourable Rao Bahadur Siddhanath Dhonddev Garud.
The Honourable Dewan Bahadur Kashinath Ramchandra Godbole.
The Honourable Sardar Gulam Jilani.
The Honourable Mr. Balkrishna Sitaram Kamat.
The Honourable Mr. Raghunath Purshottam Paranjpye.
The Honourable Mr. Gokuldas Kahandas Parekh, LL.B.
The Honourable Mr. Abdul Kadir *alias* Fakir Mahomed walad Ibrahim Khan Pathan.
The Honourable Mr. Munmohundáss Ramji.
The Honourable Mr. Shridhar Balkrishna Upasani.

The

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MONDAY, 30TH AUGUST 1920.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Proceedings of the Council of the Governor of Bombay.

The following Bill is published under rule 28 (5) of the Rules for the Conduct of Business at Meetings of the Legislative Council of the Governor of Bombay :—

BILL No. XIII of 1920.

A Bill to facilitate the citation of certain Acts in force in the Presidency of Bombay.

WHEREAS it is expedient to facilitate the citation of certain Acts in force in the Presidency of Bombay AND WHEREAS the previous sanction of the Governor General required by sub-section (2) of section 79 of the Government of India Act, 1915, has been obtained for the passing of this Act; It is hereby enacted as follows:—

[5 & 6 Geo. 5. c. 61.]

1. This Act may be called the Bombay Short Titles Act, 192 .

Short title.

2. Each of the Acts described in the first three columns of the schedule may, without prejudice to any other mode of citation, be cited for all purposes by the short title mentioned in that behalf in the fourth column thereof.

Citation of Acts in Schedule.

THE SCHEDULE.

Part I.—Acts of the Governor General in Council.

Year.	No.	Subject.	Short Title.
1	2	3	4
1835	XIX	Empowering appointment of an Assistant to the Agent for the Sardars of the Dekkhan.	The Dekkhan Assistant Agent's Appointment Act, 1835.
1838	XVI	Providing that suits as to tenures should be brought in the Courts of Adalat.	The Bombay Courts of Adalat Act, 1838.
1838	XIX	Regulating Coasting Vessels.	The Bombay Coasting Vessels Act, 1838.
1839	XX	Empowering the Prohibition of the Levy of Haqqs.	The Bombay Haqqa Prohibition Act, 1839.
1840	XV	Applying Bombay Regulation XIII of 1830 to certain Agents.	The Bombay Regulation XIII of 1830 (Application) Act, 1840.
1844	XIX	Abolishing Town-duties.	The Bombay Town-duties Abolition Act, 1844.
1852	XI	Providing for the Adjudication of Titles to Rent-free Estates.	The Bombay Rent-free Estates Act, 1852.
1853	XI	Providing for the Removal of Nuisances below High-water Mark.	The Shore-Nuisances (Bombay and Kolaba) Act, 1853.
1857	IV	Regulating Duties on Tobacco in Bombay City.	The Tobacco Duty (Town of Bombay) Act, 1857.
1857	XXIX	Providing for Land-customs.	The Bombay Land-customs Act, 1857.
1864	II	Providing for the Administration of Civil and Criminal Justice at Aden.	The Aden Civil and Criminal Justice Act, 1864.
1866	XXIII	Correcting Errors in the Letters Patent of the High Court, Bombay.	The Bombay High Court (Letters Patent) Act, 1866.
1868	V	Empowering the Delegation of Powers to the Commissioner in Sindh.	The Commissioner in Sindh (Delegation of Powers) Act, 1868.
1872	V	Removing Doubts as to the Jurisdiction of the High Court of Bombay over Sindh.	The High Court's Jurisdiction (Sindh) Act, 1872.
1877	XIV	Relieving from Incumbrances the Estates of Thakurs in Broach and Kaira.	The Broach and Kaira Incumbered Estates Act, 1877.
1888	XII	Supplementing the City of Bombay Municipal Act, 1888.	The City of Bombay Municipal (Supplementary) Act, 1888.
1904	XIV	Supplementing the City of Bombay Improvement Act, 1898.	The City of Bombay Improvement (Supplementary) Act, 1904.

Part II.—Acts of the Governor of Bombay in Council.

1862	I	Bringing certain Lands ceded by His Highness the Gaikwar of Baroda under the Regulations and Acts in force in the Presidency of Bombay.	The Gaikwar of Baroda Ceded Lands Laws Act, 1862.
1862	IV	Regulating the Establishment of Markets and Fairs.	The Markets and Fairs Act, 1862.
1862	V	Preserving the Bhagdari and Narvadari Tenures.	The Bhagdari and Narvadari Act, 1862.
1862	VI	Ameliorating the Condition of Taluqdars in the Ahmedabad Collectorate.	The Ahmedabad Taluqdars Act, 1862.
1863	I	Providing for the Registry of Vessels plying on the Indus.	The Indus Vessels Act, 1863.
1863	II	Providing for the Adjustment of unsettled Claims to Exemption from Land-revenue in certain Parts of the Presidency of Bombay.	The Exemptions from Land-revenue (No. 1) Act, 1863.
1863	III	Bringing under the Regulations and Acts in force in the Presidency of Bombay Territories in Satara, Sholapur and the Southern Maratha Country.	The Satara, Sholapur and Southern Maratha Country Laws Act, 1863.
1863	V	Conferring powers on the Bombay Gas Company and other Gas Companies.	The Gas Companies Act, 1863.
1863	VI	Providing for the Settlement of Claims to Exemption from Land-revenue in certain Parts of the Presidency of Bombay.	The Exemptions from Land-revenue (No. 2) Act, 1863.

Part II.—Acts of the Governor of Bombay in Council—contd.

Year.	No.	Subject.	Short Title.
1	2	3	4
1864	II	Applying certain Provisions of the Merchant Shipping Act to Steam-vessels proceeding from Ports in the Presidency of Bombay.	The Bombay Steam-vessels Act, 1864.
1865	I	Providing for the granting of Leases to Khots.	The Khots Leases Act, 1865.
1865	III	Amending Act XXI of 1848 (for avoiding Wagers).	The Act for Avoiding Wagers (Amendment) Act, 1865.
1865	VII	Extending the Religious Endowments Act, 1863, to Kanara.	The Religious Endowments (Extension to Kanara) Act, 1865.
1866	XII.	Declaring the Constitution of the Civil and Criminal Courts of Sindh.	The Sindh Courts Act, 1866.
1866	XIII	Providing for the Attendance and Examination of witnesses before the Legislative Council, Bombay.	The Legislative Council Witnesses Act, 1866.
1866	XIV	Bringing under the Regulations and Acts in force in the Presidency of Bombay the Parganas of Edulabad and Warangaon.	The Edulabad and Warangaon Parganas Laws Act, 1866.
1867	VI	Providing for the better Sanitary Regulation of the City of Bombay.	The Bombay City Sanitary Regulation Act, 1867.
1867	VII	Regulating the District Police in the Presidency of Bombay.	The Bombay District Police Act, 1867.
1868	III	Amending Bombay Act V of 1867.	The Bombay Act V of 1867 (Amendment) Act, 1868.
1874	II	Regulating Civil Jails in the Presidency of Bombay.	The Civil Jails Act, 1874.
1875	III	Enabling Government to levy Tolls on Public Roads and Bridges.	The Tolls on Roads and Bridges Act, 1875.
1886	V	Amending the Bombay Hereditary Offices Act, 1874.	The Bombay Hereditary Offices (Amendment) Act, 1886.
1888	II	Amending the Sindh Village-officers Act, 1881.	The Sind Village-officers (Amendment) Act, 1888.
1897	II	Amending the Bombay Boiler Inspection Act, 1891.	The Bombay Boiler Inspection (Amendment) Act, 1897.
1897	III	Amending the Female Infanticide Prevention Act, 1870, as to the Presidency of Bombay.	The Female Infanticide Prevention (Amendment) Act, 1897.
1898	II	Amending the Sindh Village-officers Act, 1881.	The Sindh Village-officers (Amendment) Act, 1898.
1898	III	Amending the Bombay District Police Act, 1890.	The Bombay District Police (Amendment) Act, 1898.
1899	I	Amending the Bombay Port Trust Act, 1879.	The Bombay Port Trust (Amendment) Act, 1899.
1900	II	Amending the City of Bombay Municipal Act, 1888.	The City of Bombay Municipal (Amendment) Act, 1900.
1900	III	Amending the Bombay City Land-revenue Act, 1876.	The Bombay City Land-revenue (Amendment) Act, 1900.
1901	I	Amending the Bombay Salt Act, 1890.	The Bombay Salt (Amendment) Act, 1901.
1903	II	Amending the Bombay Boiler Inspection Act, 1891.	The Bombay Boiler Inspection (Amendment) Act, 1903.
1903	III	Amending the Bombay District Municipal Act, 1901.	The Bombay District Municipal (Amendment) Act, 1903.
1903	V	Amending the City of Bombay Municipal Act, 1888.	The City of Bombay Municipal (Amendment) Act, 1903.
1904	IV	Amending the Bombay District Municipal Act, 1901.	The Bombay District Municipal (Amendment) Act, 1904.
1905	III	Amending the Bombay Abkari Act, 1878.	The Bombay Abkari (Amendment) Act, 1905.
1909	II	Amending the Karachi Port Trust Act, 1886.	The Karachi Port Trust (Amendment) Act, 1909.
1912	I	Amending the Dekkhan Agriculturists' Relief Act, 1879, and the Bombay Repealing and Amending Act, 1910.	The Dekkhan Agriculturists' Relief (Amendment) Act, 1912.

Part II.—Acts of the Governor of Bombay in Council—contd.

Year.	No.	Subject.	Short Title.
1	2	3	4
1912	II	Amending the Societies' Registration Act, 1860.	The Societies' Registration (Amendment) Act, 1912.
1912	IV	Amending the Bombay District Police Act, 1890.	The Bombay District Police (Amendment) Act, 1912.
1912	V	Amending the Bombay Civil Courts Act, 1869.	The Bombay Civil Courts (Amendment) Act, 1912.
1912	X	Amending the Bombay District Municipal Act, 1901.	The Bombay District Municipal (Amendment) Act, 1912.
1912	XI	Amending the Bombay Land-revenue Code, 1879.	The Bombay Land-revenue Code (Amendment) Act, 1912.
1912	XII	Amending the Bombay Abkari Act, 1878.	The Bombay Abkari (Amendment) Act, 1912.
1913	V	Amending the Bombay District Police Act, 1890, and the Bombay City Police Act, 1902.	The Bombay District and City Police (Amendment) Act, 1913.
1913	VI	Amending the City of Bombay Municipal Act, 1888.	The City of Bombay Municipal (Amendment) Act, 1913.
1914	III	Amending the Bombay Tramways Act, 1874.	The Bombay Tramways (Amendment) Act, 1914.
1914	VI	Amending the Bombay Port Trust Act, 1879.	The Bombay Port Trust (Amendment) Act, 1914.
1918	III	Declaring the Law in force in certain Territory ceded by His Highness the Gaikwar of Baroda.	The Gaikwar of Baroda Ceded Lands Laws Act, 1918.

STATEMENT OF OBJECTS AND REASONS.

In a number of cases short titles have not been given to the Local Acts of the Governor General in Council in force in Bombay and to the Acts of the Bombay Legislative Council. It is convenient for purposes of citation that they should have short titles and this Bill has therefore been prepared on the lines of the Indian Short Titles Act, 1897 (XIV of 1897), which provided short titles for such General Acts of the Governor General in Council as did not have them.

23rd April 1920. (Signed) G. CARMICHAEL.

By order of His Excellency the Honourable the Governor,

G. DAVIS,
Secretary to the Legislative Council
of the Governor of Bombay.

Bombay, 30th August 1920.

(To be translated into Gujarati and the translation to be published in the "Bombay Government Gazette." The date of publication to be reported.)

The following Bill is published under rule 28 (5) of the Rules for the conduct of Business at Meetings of the Legislative Council of the Governor of Bombay :—

Bill No. XIV of 1920.

An Act further to amend the City of Bombay Municipal Act, 1888.

WHEREAS it is expedient further to amend the City of Bombay Municipal Act, 1888, in manner hereinafter appearing; It is hereby enacted as follows :—

1. This Act may be called the City of Bombay Municipal (Second Amendment) Act, 1920. Short title.

2. In clause (*c*) of section 140 of the City of Bombay Municipal Act, 1888, for the word "twelve" the word "seventeen" shall be substituted. Amendment of section 140 (*c*). Bom. III of 1888.

STATEMENT OF OBJECTS AND REASONS.

The Municipal Corporation of the City of Bombay have to face in the immediate future a very large capital expenditure on works urgently required for the improvement of the present conditions of the city and to meet its rapidly growing demands.

2. It is considered necessary, therefore, not only to enable the Corporation to increase its actual income but so to increase its potential income, that an ample balance of possible taxation against which loans can be raised will be provided and a guarantee that funds will be available to meet all repayment charges will be assured.

3. The object of this amendment is to raise the maximum of the general property rate leviable under section 140 (*c*) of the City of Bombay Municipal Act (Bom. III of 1888), from twelve per centum to seventeen, thus increasing the power of taxation of the Corporation and its capacity to borrow.

(Signed) IBRAHIM RAHIMTOOLA.

By order of His Excellency the Honourable the Governor,

G. DAVIS,

Secretary to the Legislative Council of the Governor of Bombay.

Bombay, 30th August 1920.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

BILL No. X of 1920.

A Bill further to amend the Bombay District Police Act, 1890.

(As amended by the Select Committee.)

WHEREAS it is expedient further to amend the Bombay District Police Act, 1890, in manner hereinafter appearing; It is hereby enacted as follows:—

IV of

1. This Act may be called the Bombay District Police (Amendment) Act, 1920.

Short title.

2. In clause (*a*) of section 3 of the Bombay District Police Act, 1890, hereinafter called the said Act, after the words "District Superintendent" the words "Additional Superintendent" and after the words "District Superintendent of Police" the words "an Additional Superintendent of Police" shall be inserted.

IV of

Amendment of section 3 of Bom. IV of 1890.

3. In section 6 of the said Act,

Amendment of section 6 of Bom. IV of 1890.

(*a*) after the word "Superintendent" the words "an Additional Superintendent" shall be inserted; and

(*b*) the following paragraph shall be added, namely:—

"An additional Superintendent of Police may, by a general or special order of Government, be empowered to exercise and perform in the district for which he is appointed or in any part thereof, all or any of the powers and duties under this Act of a Superintendent of Police."

4. ~~After clause (s) of section 61 of the said Act, the following clause shall be inserted, namely:—~~

~~Amendment of section 61 of Bom. IV of 1890.~~

~~"(t) smokes or spits in any building belonging to Government or appropriated to public purposes in contravention of a notice affixed to such building by order of the Magistrate of the District;"~~

~~Smoking or spitting in public buildings.~~

By order of His Excellency the Honourable the Governor,

G. DAVIS,

Secretary to the Legislative Council of the Governor of Bombay.

Bombay, 31st August 1920.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

The

Bombay Government Gazette

PUBLISHED BY AUTHORITY.

TUESDAY, 31ST AUGUST 1920.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Proceedings of the Council of the Governor of Bombay.

(To be translated into Marathi, Gujarati and Kanarese, and the translations to be published in the "Bombay Government Gazette". To be translated also into Sindhi and the translation to be published in the "Sind Official Gazette". The dates of publication to be reported.)

The following report of the Select Committee of the Council of His Excellency the Governor of Bombay on the Bill further to amend the Bombay District Police Act, 1890, and the Bill as amended by the Select Committee, are, in accordance with rule 25 of the Rules for the conduct of business at meetings of the Legislative Council, published for general information :—

BILL No. X of 1920.

(A Bill further to amend the Bombay District Police Act, 1890.)

REPORT OF THE SELECT COMMITTEE.

We, the undersigned, members* of the Select Committee appointed to consider Bill No. X of 1920 (a Bill further to amend the Bombay District Police Act, 1890), have the honour to report as follows.

2. We have no change to recommend as regards the first three clauses of the Bill. As regards clause 4 we are of the opinion that the nuisance which it is designed to abate is not sufficiently marked in the mofussil to necessitate legislation at the present time and we have therefore deleted the clause.

* The signature of the Honourable Sheikh Ghulam Hussein Hidayatallah will be published when received.

3. This report should be translated into the same languages as was the bill when introduced.

(Signed) G. CARMICHAEL,
(„) G. K. SATHE,
(„) PURSHOTAMDAS THAKURDAS,
(„) P. A. DESAI,
(„) B. S. KAMAT,
(„) L. ROBERTSON.

Bombay, 30th August 1920.

The
Bombay Government Gazette

PUBLISHED BY AUTHORITY.

WEDNESDAY, 1st SEPTEMBER 1920.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Proceedings of the Council of the Governor of Bombay.

The following report of the Select Committee of the Council of His Excellency the Governor of Bombay on the Bill further to amend the Bombay Rent (War Restrictions) Act, 1918, and to amend the Bombay Rent (War Restrictions, No. 2) Act, 1918, and the Bill as amended by the Select Committee, are, in accordance with rule 25 of the Rules for the conduct of business at meetings of the Legislative Council, published for general information :—

Bill No. XI of 1920.

A Bill further to amend the Bombay Rent (War Restrictions) Act, 1918, and to amend the Bombay Rent (War Restrictions, No. 2) Act, 1918.

REPORT OF THE SELECT COMMITTEE.

We, the undersigned, members of the Select Committee appointed to consider Bill No. XI of 1920 (a Bill further to amend the Bombay Rent (War Restrictions) Act, 1918, and to amend the Bombay Rent (War Restrictions, No. 2) Act, 1918, have the honour to report as follows :—

As there is sometimes a considerable interval between the date on which an order for recovery of possession is passed and the date when possession is obtained, we are of opinion that the landlord should be allowed six months from the latter date before an application from the original tenant under proposed section 10A can be made. It is desirable also to fix a time limit within which an application by the original tenant should be made, and to provide that if the premises were reasonably and *bonâ fide* required for the purposes specified and are not used for such purposes through no fault of the landlord, compensation should not be awarded. Clause 2 of the Bill has been amended accordingly.

2. We are of opinion that in suits for rent, compensation for use and occupation or ejectment, a distinction should be made between houses of which

the monthly rental is over thirty rupees and those of which the monthly rental is under thirty rupees. In the former case it is highly improbable that the premises are small premises and the landlord should not be required to obtain an order determining that the premises are not small premises before he can bring a suit of the nature specified.

(Signed) G. CURTIS,
(„) C. N. SEDDON,
(„) CHUNILAL V. MEHTA,
(„) GOKULDAS K. PAREKH,
(„) E. G. TURNER,
(„) DINSHAW PETIT,
(„) T. J. STRANGMAN.

Poona, 28th August 1920.

BILL No. XI of 1920.

A Bill further to amend the Bombay Rent (War Restrictions) Act, 1918, and to amend the Bombay Rent (War Restrictions, No. 2) Act, 1918.

(As amended by the Select Committee.)

WHEREAS it is expedient further to amend the Bombay Rent (War
II of Restrictions) Act, 1918, and to amend the Bombay Rent (War Restrictions,
VII of No. 2) Act, 1918, in manner hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Bombay Rent (War Restrictions) Amendment Act, 1920.

Short title.

2. After section 10 of the Bombay Rent (War Restrictions) Act, 1918, the following section shall be inserted:—

New section 10A of Bom. II of 1918.

"10A. When any order for the recovery of possession of any premises has been made under sub-section (2) of section 9 on the ground that the premises are reasonably and *bonâ fide* required by the landlord either for the erection of buildings or for his own occupation or for the occupation of any person for whose benefit the premises are held and the premises are not used for the erection of buildings or occupied by the aforesaid persons within six months of the ~~order~~ *date when possession has been obtained* or are relet within the same period to any person other than the original tenant, the court by which the order was made may on ~~the~~ *an* application of the original tenant *made within 9 months of such date* place him in occupation of the premises on the original terms and conditions and *if in the opinion of the court the premises were not reasonably and bona fide required by the landlord for the aforesaid purposes*, direct payment to him by the landlord of such compensation as the court may think fit."

Consequences of non-user or non-occupation of premises of which possession has been restored to landlord.

3. In section 16 of the Bombay Rent (War Restrictions, No. 2) Act, 1918, hereinafter called the said Act, for the words "swear or affirm whether the standard rent has or has not been fixed under this act and, if he swears or affirms that the standard rent has been so fixed, unless he produces a copy of an order in that behalf in force whether under any rule made under section 2 of the Defence of India (Criminal Law Amendment) Act, 1915, or under this act." the following words shall be substituted:—

Amendment of section 16 of Bom. VII of 1918.

Bom. VII of 1918.

IV of 1915.

"produce a copy of an order in force, whether under any rule made under section 2 of the Defence of India (Criminal Law Amendment) Act, 1915, or under this act, determining that the premises are not small premises or fixing their standard rent."

IV of 1915.

4. ~~In sub-section (1) of section 17 of the said act for the words "state in the plaint whether the standard rent has or has not been fixed under this act, and if he states that it has been so fixed he shall annex to the plaint a copy of the order in that behalf in force whether under any rule made under section 2 of the Defence of India (Criminal Law Amendment) Act, 1915, or under this act." the following words shall be substituted:—~~

~~Amendment of sub-section (1) of section 17 of Bom. VII of 1918.~~

~~IV of 1915.~~

~~"annex to the plaint a copy of an order in force, whether under any rule made under section 2 of the Defence of India (Criminal Law Amendment) Act, 1915, or under this act, determining that the premises are not small premises or fixing their standard rent."~~

~~IV of 1915.~~

4. For sub-section (1) of section 17 of the said Act the following sub-section shall be substituted, namely:—

Amendment of sub-section (1) of section 17 of Bom. VII of 1918.

"17 (1) (a) In every suit for rent, compensation for use and occupation or ejectment in respect of any premises of which the monthly rent does not exceed thirty rupees the plaintiff shall annex to the plaint a

copy of an order in force, whether under any rule made under section 2 of the Defence of India (Criminal Law Amendment) Act, 1915, or under this act, determining that the premises are not small premises or fixing their standard rent.

IV of 1915.

(b) In every such suit in respect of any premises of which the monthly rent exceeds thirty rupees, the plaintiff shall state in the plaint whether the standard rent has or has not been fixed under this act, and if he states that it has been so fixed he shall annex to the plaint a copy of the order in that behalf in force whether under any rule made under section 2 of the Defence of India (Criminal Law Amendment) Act, 1915, or under this act." IV of 1

By order of His Excellency the Honourable the Governor,

G. DAVIS,
Secretary to the Legislative Council
of the Governor of Bombay.

Bombay, 1st September 1920.

The following report of the Select Committee of the Council of His Excellency the Governor of Bombay on the Bill further to amend the Bombay Port Trust Act, 1879, and the Bill as amended by the Select Committee, are, in accordance with rule 25 of the Rules for the conduct of business at meetings of the Legislative Council, published for general information :—

Bill No. XII of 1920.

(A Bill further to amend the Bombay Port Trust Act, 1879.)

REPORT OF THE SELECT COMMITTEE.

We, the undersigned members* of the Select Committee appointed to consider Bill No. XII of 1920 (A Bill further to amend the Bombay Port Trust Act, 1879), have the honour to report as follows.

We discussed at length the question of hotel accommodation and while fully admitting the serious shortage of such accommodation in Bombay we are of the opinion that it is proper only for a Port Trust to provide temporary accommodation for passengers using the port on arriving or departing by sea. We have therefore provided for the construction of waiting and refreshment rooms and we have defined "waiting rooms" as including temporary sleeping accommodation.

We have also had it brought prominently to our notice that owing to defective drafting in an amendment of the original section 68 (7) of the Act a doubt exists as to the sufficiency of the powers conferred upon the Port Trust for the construction of other necessary buildings.

We have by re-drafting clause 3 of the Bill removed this doubt.

(Signed) G. S. CURTIS,
(„) R. P. PARANJPYE,
(„) G. K. SATHE,
(„) PURSHOTAMDAS THAKURDAS,
(„) G. W. HATCH,
(„) PHIROZE C. SETHNA,
(„) H. P. W. MACNAGHTEN,
(„) CHUNILAL V. MEHTA,
(„) R. E. ENTHOVEN.

Poona, 28th August 1920.

* Signature of the Honourable Mr. S. K. Barodawalla will be published when received.

Bill No. XII of 1920.

A Bill further to amend the Bombay Port Trust Act, 1879.

(As amended by the Select Committee.)

WHEREAS it is expedient further to amend the Bombay Port Trust Act, 1879, in manner hereinafter appearing; It is hereby enacted as follows:—

Bom. VI of 1879.

1. This Act may be called the Bombay Port Trust (Amendment) Act, 1920.

Short title.

~~2. In the proviso to section 21 of the Bombay Port Trust Act, 1879, hereinafter called the said Act—~~

~~Bom VI of 1879.~~

~~Amendment of section 21.~~

~~(a) in clause (a) the word "and" shall be repealed; and~~

~~(b) after clause (a) the following clause shall be inserted, namely:—~~

~~"(aa) persons employed in any building constructed by the Board under the authority contained in section 68 (7A); and"~~

2. In the proviso to section 21 of the Bombay Port Trust Act, 1879, hereinafter called the said Act, after the word "labourers" where it occurs for the second time, the following words shall be inserted, namely:—

Bom. VI of 1879.

Amendment of section 21.

"and any persons employed in any capacity in any waiting or refreshment room constructed by the Board under the authority contained in section 68 (7A)".

~~3. After sub-section (7) of section 68 of the said Act, the following sub-section shall be inserted, namely:—~~

~~Amendment of section 68.~~

~~"(7A) The construction upon the property vested in the Board and the equipment, maintenance and management of such buildings, including hotels, as may, in the opinion of the Board, add to or improve the facilities of the port."~~

3. (1) After clause (7) of section 68 of the said Act, the following clause shall be inserted, namely:—

Amendment of section 68.

"(7A) the construction upon any part of the property vesting in the Board and the equipment and maintenance of such buildings, including offices, quarters for officers and servants of the Board, waiting rooms and refreshment rooms, as may in the opinion of the Board be necessary for carrying out the purposes of this Act;"

(2) After the proviso to the said section the following explanation shall be added, namely:—

"Explanation.

"Waiting rooms in this section shall be deemed to include sleeping accommodation for passengers arriving or departing by sea and persons escorting or meeting such passengers."

By order of His Excellency the Honourable the Governor,

G. DAVIS,
Secretary to the Legislative Council
of the Governor of Bombay.

Bombay, 1st September 1920.

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SATURDAY, 4TH SEPTEMBER 1920.

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PART V.

Proceedings of the Council of the Governor of Bombay.

Journal of the proceedings of the Legislative Council of the Governor of Bombay, assembled under the provisions of the Government of India Act, 1915.

The Council re-assembled on Tuesday, the 3rd August 1920, at 11-30 a.m., at the Council Hall, Poona.

PRESENT :

His Excellency Sir GEORGE AMBROSE LLOYD, G.C.I.E., D.S.O., Governor of Bombay, *President.*

The Honourable Sir GEORGE CARMICHAEL, K.C.S.I., I.C.S., *Vice-President.*

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

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

The Honourable the Advocate General (Sir THOMAS J. STRANGMAN, KT.)

The Honourable Mr. SALEBHOY KARIMJI BARODAWALLA.

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

The Honourable Mr. ALI GOHAR BHUTTO, son of GHULAM MURTAZA, Bar-at-Law.

The Honourable Mr. RUPCHAND BILARAM, LL.B.

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

The Honourable Mr. J. G. COVERNTON, C.I.E.

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

The Honourable Rao Saheb HARILAL DESAIBHAI DESAI, LL.B.

The Honourable Mr. R. E. ENTHOVEN, C.I.E., I.C.S.

The Honourable Major C. FERNANDES, M.D., F.C.P.S., I.M.S.

The Honourable Rao Bahadur SIDDHANATH DHONDDEV GARUD.

PLEADERS' BILL.

[*The Vice-President.*] [3RD AUGUST 1920.]

The Honourable Dewan Bahadur KASHINATH RAMCHANDRA GODBOLE.
The Honourable Mr. G. W. HATCH, I.C.S.
The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH, LL.B.
The Honourable Mr. J. D. JENKINS.
The Honourable Major-General W. E. JENNINGS, M.D., I.M.S.
The Honourable Sardar GULAM JILANI.
The Honourable Mr. BALKRISHNA SITARAM KAMAT.
The Honourable Mr. H. P. W. MACNAGHTEN.
The Honourable Khan Bahadur PIR BAKSH walad MIAN MAHMUD, C.I.E.
The Honourable Mr. P. J. MEAD, C.I.E., I.C.S.
The Honourable Mr. CHUNILAL VIJBHUKHANDAS MEHTA, LL.B.
The Honourable Sardar SHRINIWAS COOPOOSWAMI MUDLIAR.
The Honourable Rao Bahadur VENKATESH SHRINIWAS NAIK.
The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE.
The Honourable Mr. GOKULDAS KAHANDAS PAREKH, LL.B.
The Honourable Mr. ABDUL KADIR *alias* FAKIR MAHOMED walad IBRAHIM KHAN PATHAN.
The Honourable Sir DINSHAW MANOCKJEE PETIT, Bart.
The Honourable Mr. MUNMOHUNDASS RAMJI.
The Honourable Mr. L. ROBERTSON, C.S.I., I.C.S.
The Honourable Rao Bahadur GANESH KRISHNA SATHE, C.I.E.
The Honourable Mr. C. N. SEDDON, I.C.S.
The Honourable Mr. PHIROZE C. SETHNA, O.B.E.
The Honourable Mr. H. O. B. SHOUBRIDGE, M.INST.C.E.
The Honourable Mr. PURSHOTAMDAS THAKURDAS, C.I.E. M.B.E.
The Honourable Mr. E. G. TURNER, I.C.S.
The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI.
The Honourable Mr. HARCHANDRAI VISHINDAS, C.I.E., LL.B.
The Honourable Mr. M. DE P. WEBB, C.I.E , C.B.E.

A BILL TO CONSOLIDATE AND AMEND THE LAW RELATING TO PLEADERS IN THE PRESIDENCY OF BOMBAY.

The Honourable the Vice-President (Sir G. Carmichael):—Order, order. I propose to take item No. 6 on the agenda.

I rise to move the first reading of a bill to consolidate and amend the law relating to pleaders in the Presidency of Bombay (Bill No. VI of 1920).

The Honourable Sir G. Carmichael moves the first reading of the bill.

It will be seen from clause 1 that the bill does not extend to Sind or Aden. It applies to the Presidency proper only. This bill has been on the anvil for a good many years. The Honourable the Chief Justice and Judges of the High Court have pressed for its enactment, and, as stated in the statement of objects and reasons, their recommendations have been made after ascertaining the views of representative associations of the legal profession and of the District Judges. The bill consolidates the existing law, which is at present contained in various enactments, namely, in Bombay Regulation II of 1827, in three acts of the Government of India, Act I of 1846, Act XX of 1853, and Act XVIII of 1879 in part, besides in sections 9 and 10 of the amended Letters Patent of the High Court. Obviously the consolidation of all these in one enactment will be advantageous.

The amendments proposed in the existing law are of three kinds. Firstly, it is proposed to revise the rate or percentage on which pleaders' fees should be calculated. The existing rate or percentage was fixed over 100 years ago, and now requires adjustment to suit modern conditions. Another class of amendment gives legal sanction to what is at present based on practice or on rules. I think it is hardly necessary for me to go into details with regard to that particular class of amendment. The third class of amendment introduces new matter. The new provisions are contained in clauses 15 and 16 of the bill. These clauses prohibit the giving or taking of commission by a pleader, and prohibit a pleader from taking instructions from any one except from the client himself or from the client's authorised agent. Another new provision is clause 20, which enables the fees for

PLEADERS' BILL.

[3RD AUGUST 1920.] [*The Vice-President; Rao Bahadur S. D. Garud; Rao Saheb H. D. Desai.*]

two pleaders to be taxed in certain cases. One of the most important changes introducing new matter is in clause 26. This clause withdraws from all subordinate courts, except the district court, the court of session, the Chief Judge of the Small Causes Court, and the Chief Presidency Magistrate, disciplinary powers and powers to fine pleaders for professional misconduct. It has been found in actual practice that these powers have been rarely used by these subordinate courts, and, if misconduct occurs in such courts, it is more appropriate that notice should be taken of it by the court immediately superior, or by the High Court. It is proposed to alter the law accordingly. The bill also extends, to a certain extent, the powers of the district court, the court of session, the Chief Judge of the Small Causes Court, and the Chief Presidency Magistrate in the matter of discipline. Bombay Regulation II of 1827 and section 10 of Act I of 1846 give every court power to take disciplinary measures in cases of professional misconduct.

(At this stage His Excellency the President entered and occupied the chair.)

Clause 26 of the bill, as drafted, gives these four courts subordinate to the High Court the power of taking action in cases where a pleader has been guilty of neglect of duty or of a violation of any of the provisions of this act or of any other improper conduct (whether in his professional character or otherwise), with reference to any case coming before such court or before a court subordinate to such court. The cases in which these four courts can take disciplinary action include a larger category than they have hitherto done under Act I of 1846 and Bombay Regulation II of 1827.

Clause 27 provides for the presentation of the case against the pleader in the High Court by the Honourable the Advocate General or such counsel or pleader as may appear for the Crown.

Lastly, in clause 30 (1) (*h*) powers are given to the High Court to make amendments in the Schedule which provides for the rules with regard to the fixing and calculating of pleaders' fees. The High Court is empowered, as occasion arises, to make changes in the rules and in the schedule of fees. There is another important power which it is proposed to be given to the High Court under clause 30 (1) (*d*). It gives the High Court power to make rules requiring that a pleader shall be a member and submit to the rules of the bar association of the district in which he practises. I think, every one will recognise that it is a great advantage that all the members of the bar should be united in a bar association. The above remarks cover the new matter which this bill introduces.

As a result of discussions which have taken place since the measure was first mooted, the bill is now in what, I hope, the Council will consider, workmanlike form. The bill is full of technicalities, and it can hardly be expected that unanimity of opinion would be secured on all matters of detail. The criticisms and suggestions for amendment which have been received since the publication of the bill are, as this Council will have noticed, very voluminous. I gather, however, from a perusal of the representations which have been made that the critics do not oppose the main idea of the bill, but wish to have their suggestions considered before the bill passes into law. I do not propose to go into details with regard to the criticisms and suggestions, at this stage. They are very largely, altogether I think, matters which can best be dealt with in the select committee. With these remarks, your Excellency, I beg to move the first reading of the bill.

The Honourable Rao Bahadur S. D. Garud:—Your Excellency,—I beg to accord my support to the first reading of the bill. I am glad that the law relating to pleaders which was scattered in various statutes and regulations has now been brought together in the form of a bill. I will not at this stage of the bill go into the several clauses or suggest what different changes are needed. I am thankful for the assurance of the Honourable Member in Charge of the bill that the suggestions for the amendments of various clauses will be carefully gone into, and I hope the select committee will consider those suggestions and make the necessary changes before the bill comes up for second reading.

The Honourable Rao Saheb H. D. Desai:—Your Excellency,—The bill in so far as it seeks to consolidate and amend the existing law about the pleaders is indeed a welcome measure in a general sort of way. But there are, as there are bound to be, certain differences of opinion in matters of detail as well as in matters of principle. Of course the details could be dealt with in the select committee. But there are certain matters of principle involved in this bill, so far as I am able to see, which require to be discussed at this reading of the bill.

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The one main feature of the bill is that it seeks to provide that a pleader shall not perform any service for a person unless he receives a retaining fee. Now, I submit, sir, that the profession of a lawyer is an honourable profession, and if any member of that profession wishes to work without any fees or any retaining fee, why should legislation compel him to be mercenary? Clause 11 of this bill enunciates the principle which I have just referred to, that without receiving a retaining fee a pleader shall not perform any service. There are occasions when there is a friend who is in need of advice, or there is a relation, or a poor person, or a person who is considered to be oppressed, who is in need of help. Why should it not be open to a pleader to work for him without receiving any retaining fee? That is, I respectfully submit, a principle which is more or less mercenary and the profession would be very unwilling to accept it.

Then the next provision is, that having received a retaining fee, whether he receives any further fee or not, he is bound to act for the client in courts. That also is a provision which is very embarrassing and very awkward.

Thirdly, there is a provision that a pleader can recover his fees only through a court and in no other way. Now, if there is any dispute between a pleader and his client about his fees, the provision, as it stands, debars him from referring the matter to the arbitration of some independent people, and it also infringes upon the right of a pleader by way of lien. Consequently that provision also is a provision which is one of principle, and will require to be revised in the select committee in case it is left open to the select committee to go into this question.

Then the Honourable Member in Charge described the provisions of clause 26—provisions about the disciplinary powers—in a fashion which is rather topsy-turvy. He said that powers of disciplinary jurisdiction are taken away from some courts and retained in district courts, presidency magistrates' courts and such other courts. At present the disciplinary powers are with the High Court, and there is no reason why those powers should be delegated to the officers referred to in clause 26.

The Honourable Sir G. Carmichael:—With your Excellency's permission I should like to controvert the honourable member. Will the honourable member say whether the sections to which I referred in Act I of 1846 and Act XX of 1853 have been repealed, or are they still in force? The sections give disciplinary powers to all courts.

The Honourable Rao Saheb H. D. Desai:—Subject to correction, I submit that my impression is that disciplinary powers at present vest in the High Court only and that other courts have merely to report such matters to the High Court. In any case, I think that the power which is left to officers mentioned in clause 26 to either fine or reprimand a pleader should vest only in the High Court, because it would not be quite to the safety and independence of the profession that it should be vested in district courts, or the Chief Presidency Magistrate or the Chief Judge of the Court of Small Causes.

Then there is one other provision in clause 25 which empowers the courts mentioned in that clause to fine or reprimand a pleader for "neglect of duty" or for any other improper conduct whether in his professional conduct or "otherwise". This "otherwise" is a most objectionable word to be introduced into a legislation which refers to the conduct of pleaders and the consolidation of law about pleaders in their professional capacity. A man may quarrel with his neighbour. A man may quarrel with his wife. A man may not give maintenance to his wife for certain reasons. Well, that case should not be included in this "otherwise" and give to the courts mentioned a power to take action for "neglect of duty" which has been put in such a general sort of way, so that this word "otherwise" which we find in clauses 25 and 26 is very objectionable, giving to courts a wide power, which on principle it would not be proper to allow.

Then we find that in form A and form B, provided for sanads to be given to the High Court pleaders and district court pleaders, there is a divergence of phraseology. There is no reason why there should be any divergence of this sort. The sanad should be in one form, whether one is allowed to practise in the district courts or in the High Court, and there should be one standard of duty imposed upon either sort of pleaders, and there is no reason also why obligations should be imposed in one case which are harder and harsher than in the other.

There is one more provision on which I should like to offer my remarks, and that is the provision of clause 10. According to this, a pleader when he is once engaged, is bound down to the case from the beginning to the end. There are occasions when senior pleaders are retained in order to cross-examine a witness, an expert witness or any other tough witness, or to argue a case either at the end or at a preliminary stage. The

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vakalatnama which is to be in a particular form now lays down that he is bound to conduct the whole case. It is no use tying down a pleader, who appears for a part of a case, or for a special occasion, to conduct the whole case and make himself responsible for it.

These appear to me to be questions of principle, and therefore, when we refer the bill to the select committee, they will, I hope, be fully considered.

The Honourable Mr. G. K. Parekh:—Your Excellency,—I beg to support the first reading of this bill. The legislation on this question has been long overdue. The courts and the pleaders were guided by regulations which are nearly a century old. The reason why no more recent legislation on this side of India exists is that for a long time very eminent gentlemen of a high standard of life led the profession, and they considered that the example of the high standard of conduct which they set was more suited to maintain the honour and dignity of the profession than legislative sanctions. And it may be noted that both the courts and the public felt perfectly justified with the way in which they conducted themselves, in considering legislation unnecessary and superfluous. Of course a good many changes have occurred between 1827 and the present time. Many of the conditions have become completely altered, and therefore, the past legislation has become unsuited to the present conditions. I consider, it is very right, therefore, that there should now be legislation embodying rules of conduct of this body of practitioners. On this ground I support the first reading of the bill. At the same time, I may suggest that there are one or two important questions of principle, which I put before the Council for consideration.

One of these is that the bill rather treats the pleaders as a somewhat mercenary body—something like a money-making machine—deprived altogether of altruistic sentiments or generous feelings. I do not consider that the payment of a small fee is necessary to create the relation of pleader and client. Why should it not be left to the pleader, who feels very deeply the wrong done to any particular individual or where there is a very important question of public interest involved, to offer his services gratis? Why I ask, therefore, that in a profession, the traditions of which are that the fees earned are not remuneration for work done or to be done, but are mere grateful appreciations of gratuitous services—why should it be laid down as a necessary condition of the employment of a pleader that he should demand and receive remuneration, and, unless he does that his action would be considered improper?

Another thing that involves an important question of principle is, that once a vakalatnama is put in, the pleader is bound to do services in connection with the case for the client, of all sorts till the orders of the court are completely executed. I do admit that there should be one man in the case to whom the courts can look to for the purpose of representing the party. But where a party has engaged more than one pleader upon an understanding that any particular pleader should do a particular work, such as arguing a particular question of law or cross-examine a particular witness, in that case it is unreasonable that the pleader should be required to put in a vakalatnama binding himself to do every kind of professional service in the case. In a matter of this kind every arrangement which may be made between the client and the vakil ought to be upheld, and this I believe is necessary both in the interests of the people, the public and the profession. The other thing is that this bill gives a certain amount of power, which has up to now been exercised only by the High Court, to District Judges and others. I should think, looking to the dignity of the profession, that it would be desirable that this power should be confined only to the High Court.

The Honourable Mr. Rupchand Bilaram:—Your Excellency,—This bill deals with the honourable profession of lawyers to which I have the privilege to belong as, I believe, some of the members who have preceded me have also the privilege to belong. This bill is no doubt of a very difficult and delicate nature, and on reading it I find that there are several defects both in detail and in principle which require to be looked into. So far as the details are concerned, we have the assurance of the Honourable Member in Charge that the select committee will look into them. With regard to the matters of principle, the honourable members who preceded me have referred to some, but I might just mention one or two. One of them is this, that in legislating in the twentieth century a pleader should be allowed to appear in all matters where a party is required to appear in person not only in courts but also before revenue and other officers. Where an illiterate man is required to appear in person to represent his case, it would be much better that he should be represented by a pleader. The next point is that which has already been referred to by the former speakers and that is this. The sword of Damocles that is being given to the subordinate judiciary, Small Cause Courts and District Judges, of fining and

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punishing pleaders would be very harassing to the profession and would perhaps deter pleaders from performing their duties. This power should be given to the High Court alone. Of course the subordinate judiciary will have no doubt the right to recommend for reprimanding any member of the bar who misbehaves. It is no doubt true that on the one hand there may be some black sheep in the fold of pleaders, but the pleaders also require protection at the hands of Government and the authorities from acts of illiterate and misguided clients who would otherwise put them to trouble.

The next point I wish to refer to is this. We find that the bill provides for allowing as costs remuneration for two pleaders in certain cases. On principle a client should be made to pay or should pay according to the work which the pleader does for him, and should be able to recover the same as costs. In the Schedule I find, however, that the fees are calculated according to a graded scale. Of course possibly on this side of the Presidency it may be considered proper, but what I wish to point out is this that if two pleaders' fees are to be allowed in non-contested suits where, for instance, a man is unable to pay a debt due on a mortgage or a *hundi* of the value exceeding Rs. 5,000, and a suit is filed for recovery of the amount due, it would be very hard on the debtor to make him pay double pleader's fee.

It has also been pointed out that the forms of the sanads which are to be issued in the case of district pleaders and High Court pleaders are differently worded. In my opinion there should be no distinction except as regards jurisdiction to restrict the district pleader to the district or otherwise. There should be no distinction in the wording of the sanad granted to a High Court and a district court pleader. With these remarks I support the first reading of the bill.

The Honourable Rao Bahadur G. K. Sathe:—Your Excellency,—In supporting the first reading of this bill I wish to offer a few remarks. When I do so, I do not intend to enter upon several matters of detail which will be thoroughly considered in the select committee. I will content myself by referring to three or four principal points which will be considered as involving matters of principle, and the first of them is whether powers should be given to the District Judges and Presidency Magistrates and the Chief Judge of the Small Cause Court to take action as is now proposed to be done under clause 26. The Honourable Member in Charge of the bill has told us that such a power does exist under the present act, and he further added that it does not appear that any use has been made of it and that therefore these higher authorities in the districts are being invested with this power.

The Honourable Sir G. Carmichael:—What I intended to say was that it has not been used by subordinate courts, that is, the courts subordinate to the district courts and sessions courts. I am not prepared to say that it was not used by the district court or sessions court but only by subordinate judges' courts, and very rarely.

The Honourable Rao Bahadur G. K. Sathe:—The fact that it has not been used by the subordinate judges speaks in favour of pleaders practising in the mufassil. That means that very few occasions do arise even under the existing law where the sub-judges were required to make use of section 54 of the Regulation. Apart from this, the point which I want to make out is this, whether it is desirable, in the interests of purity and independence of the profession, that these powers should vest in officers before whom pleaders have to practise every day of their life. Now, it has been provided for under the present proposed clause that in cases where these officers find it necessary they should make a report to the High Court. In fact a discretion is given to them not to decide matters themselves but to leave it to their Lordships for final decision if they so desire. I am not against giving powers to District Judges to report to the High Court, but I do not think that the final decision should be given by the District Judges or by other officers mentioned in clause 26. As at present all judicial officers, sub-judges, District Judges, should continue to have powers to report in the case of dereliction of duty or any other matter to their Lordships for such action as they might think necessary to take. In the cases which have gone up to the High Court with reports made by those officers against individual pleaders, the reports of subordinate officers have on very many occasions not been accepted. I do not wish to cast any aspersions against the officers who made these reports, but what I want to say is that if an independent authority is asked to consider this question, then there is greater chance of getting justice done to pleaders than at the hands of local officers.

The second point which I want to make is about the differentiation in the sanads of the two classes of pleaders. Particularly in view of the fact that the district court pleaders'

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examination has now been abolished and that those who pass the High Court pleaders' test prescribed by the High Court, are allowed to be enlisted as pleaders of the High Court, there seems to be no necessity for differential treatment so far as the wording of the sanad is concerned. Perhaps there may have been good grounds for such differentiation when Regulation II of 1827 was passed, but to my mind no such necessity does now exist.

The third point which I wish to emphasise is about clauses 15 and 16. As regards these clauses, I have no special remarks to offer, because practically what is stated in these two clauses has been the law and has also been recognised under the Legal Practitioners Act of 1879. One more point which I want to place before the Council is, whether a pleader cannot work gratis for his client. This difficulty was hinted at by one of the previous speakers. Perhaps it may strike honourable members of this Council that such a case may never arise. I know of a case which is within my personal knowledge and which was in my own district. About sixteen years ago it so happened that in a sensational case, where the question as to the action taken by a certain municipality was disputed in the court, a pleader offered to serve for the client gratis. I am not making any breach of etiquette because it was a question which was placed before our bar association. The District Magistrate made a reference to the District Judge asking him to take notice of the pleader who worked gratis. The District Judge had more sympathy for our class than the revenue officers, and he went into the whole question, and taking precedents from Indian and English Law, he decided that there was no unprofessional conduct on the part of the pleader, and returned the correspondence to the District Magistrate. It may be an isolated case but it only shows that a provision to that effect ought to be embodied in the act so as to avoid any trouble of such kind in future.

Then comes the question of misbehaviour, professional or otherwise, mentioned in clauses 25 and 26. I am conscious when I make these observations that conduct which was not strictly professional misconduct, has at times been considered by their Lordships as calling for disciplinary action at the hands of the High Court. The real point is, whether any kind of conduct should come within the purview of this clause, or whether that conduct should have something to do with the profession, and I, at any rate, think that when there is a provision in one of the clauses that any conviction for any criminal offence which involves or which amounts to a defect in character or to moral turpitude, that ought to disentitle the pleader to continue to practise, and that ought to suffice. This is clause 25. Clause 26 says that conduct, professional or otherwise, should be taken notice of by the District Judge and other officers mentioned therein, and it would be much better if the word 'otherwise' is further explained and the matter is made more clear.

Then there are a few more points which I consider as points of detail, and therefore, I would not take up the time of the Council by referring to them. But there is one subject on which I intend to make only one observation, namely, requiring a pleader to be a member of the bar association. The existence of bar associations is considered as very salutary and those associations have been started in a good many districts. But when it is intended to make it compulsory on every member of the bar to be a member of the bar association, I wish some provision be made under which notice could be taken by their Lordships or by the District Judge, of the opinion of the bar association touching either the conduct of the judicial officers, or touching the conduct of pleaders. So far as the matters stand at present, the bar associations have no voice in matters which I have already referred to. With these few words, sir, I support the first reading of the bill.

The Honourable Mr. Harchandrai Vishindas :—Your Excellency,—Agreeing with the previous speakers I premise that there is no opposition to this legislation being on the anvil, but the various speakers who have given expression to their opinion intend that their suggestions should be taken account of by the select committee when arranging the details of the bill. In the light of that supposition I, with your Excellency's permission, offer a few observations.

I almost entirely endorse the suggestions that have fallen from the various speakers who have preceded me as regards the clauses that are picked out of the bill and commented upon. When the Honourable Rao Saheb Harilal Desai said that the present bill contemplated the conferment of higher disciplinary powers upon courts other than the High Court, that opinion was challenged. On looking into the latest legislation on the subject which has been referred to in the bill and referred to also by the honourable mover, namely, Act XVIII of 1879, I find that the sections which deal with the subject are sections 13 and 14 of Act XVIII of 1879, which was a Government of India Act. Of course that act was in the first instance made applicable to limited areas in which the Bombay Presidency was not included, with power of extension to any other part of India. However, as that

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has been referred to in the present legislation, and very rightly referred to, and as that represents the latest expression of the legislature on this question, I think I am quite justified in appealing to those provisions, namely, sections 13 and 14 of Act XVIII of 1879. Those provisions do justify the observations of the Honourable Rao Saheb Harilal Desai that these powers are being newly enacted. Of course I am speaking subject to any correction that may appear from the honourable mover in the end by reference to another enactment.

Section 13 says:

"The High Court may suspend or dismiss any pleader or mukhtiar holding a certificate issued under section 7, who is convicted of any criminal offence implying a defect of character which unfits him to be a pleader or mukhtiar, as the case may be".

Section 13 says;

"The High Court may also, after such inquiry as it thinks fit, suspend or dismiss any pleader or mukhtiar holding a certificate as aforesaid—

(*a*) who takes instructions in any case except from the party on whose behalf he is retained, or some person who is the recognized agent of such party within the meaning of the Code of Civil Procedure, or some servant, relative or friend authorized by the party to give such instructions, or

(*b*) who is guilty of fraudulent or grossly improper conduct in the discharge of his professional duty, or

(*c*) who tenders, gives or consents to the retention, out of any fee paid or payable to him for his services, of any gratification for procuring or having procured the employment in any legal business of himself or any other pleader or mukhtiar ....." and so on.

Then section 14 relates to a charge being brought up in any subordinate court if any such pleader or mukhtiar practising in any subordinate court or in any revenue-office is charged in such court or office of taking instructions except as aforesaid or any such misconduct as aforesaid, and it empowers the presiding officer to send him a copy of the charge and also notice of the day therein appointed to take into consideration such charge. Then if such officer finds the charge established and considers that the pleader or mukhtiar should be suspended or dismissed in consequence he shall record his finding and the grounds thereof and shall report the same to the High Court and the High Court may acquit or suspend or dismiss the pleader or mukhtiar.

Then the only power that I find is given to the District Judge, is contained in the last but one clause of section 14. That clause says:

"Any District Judge, or with his sanction any judge subordinate to him (any Judge of a Court of Small Causes of a Presidency town), any District Magistrate, or with his sanction any Magistrate subordinate to him, and any Revenue-authority not inferior to a Collector, or with the Collector's sanction any revenue-officer subordinate to him, may, pending the investigation and the orders of the High Court, suspend from practice any pleader or mukhtiar charged before him.

So if my study is correct, excepting the powers of suspension pending investigation by the High Court, no higher powers are given to courts subordinate to the High Court, and therefore, I am quite in sympathy with the recommendation that has been suggested by the various speakers. But, your Excellency, the power of actual punishment should not certainly be given to the subordinate courts but should vest only in the High Court. I would not quarrel with the qualifying clause that has been just read regarding the power of suspension vesting in the District Judge or the District Magistrate as the case may be, and so far as my own experience is concerned, I remember various cases of disciplinary jurisdiction being tried in the courts in Sind, and I do not remember a single instance where these powers have been exercised by the district court. The action of the district court has been confined to mere investigation and report to the High Court. And I dare say that had it not been for the legislation to that effect, that practice would not have been so invariable and uniform as I have noticed it to be.

Then coming to the question as to whether any conduct other than professional should be dealt with in the disciplinary jurisdiction, I agree with the previous speakers that the disciplinary jurisdiction should be confined only to professional conduct. Otherwise it will open a very wide power over the private life of a pleader, and will give power to inquisitive and hostile officers of making all kinds of reports against pleaders. I do not suppose that in England or in continental countries men belonging to the legal profession are amenable

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to the High Court or other authorities above them for any conduct other than that which relates to their own profession, and so far as the conduct of the case is concerned, and I am strongly reminded of Sir Edward Carson actually preaching civil war in connection with the Irish question, and not being dealt with professionally.

His Excellency the President:—Order, order. That is not a matter which affects the first reading of this bill.

The Honourable Mr. Harchandrai Vishindas:—I was saying that in other countries conduct other than professional, of howsoever objectionable a nature, is not taken notice of by the authorities who have jurisdiction over men belonging to the profession of law. Therefore such an enactment would be entirely out of place in this country also.

Then as regards the question of fees, I might tell your Excellency that the same question was raised some years ago in Calcutta, namely, as to whether it was permissible or unprofessional for a pleader to act gratis and without receiving any fees. I do not know whether the question was taken to the High Court, but I remember, the Advocate General's opinion was that it was open to any pleader to act without any fees. I think, probably there would be no difference of opinion between those who have spoken on this subject to-day and Government, or probably the select committee on this point may insert a kind of discriminating qualification which will on one hand make provision for this retaining fee in all cases where the intention of the parties is to pay fees, and at the same time leave room for an exception where it is the intention of the parties that no fees should be paid. For instance, the most glaring case of a pleader appearing without fees is that of two relatives. Supposing a brother of a pleader has got some litigation in a court, and his brother who is a joint member of the family with him is a pleader in that court, surely it cannot be said that in such a case it was necessary for the brother to give a retaining fee for the pleader, because that would be taking money from one pocket and putting it in another. Likewise a pleader may like to work gratis for a poor man, and there are sometimes cases which happen as the one referred to by the Honourable Rao Bahadur Sathe where a pleader wants to fight for a question of principle. Such cases ought to be excepted from this clause.

At the same time I do not think the question of retainer should be entirely excluded. There are certain cases in which it would become necessary that there should be relationship of payer and payee between the pleader and client, and I do not think any question of the mercenary nature of the relationship comes in as contended by some of the previous speakers.

As regards barristers' fees they are traditionally considered as mere honoraria which come from the custom of the ancient law of Rome where *juris consulta* whose position is now occupied by barristers were considered to be advisers of a court without payment. But now it is treated as a mere legal fiction, because these gentlemen who are supposed to take honorarium do really take the fattest fees. So I do not think that illustration is an apt one at all.

Then another provision that has been touched upon by the various speakers is the one that relates to pleaders being allowed—I think it was the Honourable Mr. Rupchand Bilaram who referred to it—to practise in other places than law courts also. In the Act of 1879, to which I referred, there is a provision that revenue agents may be allowed to act and appear in revenue courts. I am also in favour of this. But I do not think it will be really practicable or desirable that a pleader should be allowed to appear before every officer or in any place. If any member of the select committee has got any suggestions to make, I think, the number of officers or authorities before whom any appearance by a pleader should be permitted should be defined and limited.

Now, as regards the observations of the Honourable Rao Bahadur Sathe, I think, I have got several years' experience, as well as he has, of bar associations. I think this provision is entirely sound, and I should rather like the powers of the bar associations to be extended beyond what they are at present. I would suggest that they should be invested with disciplinary powers, so that before the matter reaches the High Court in case of any misconduct on the part of a pleader arising, it is appropriate that he should be first of all judged by his own peers. Therefore, I am entirely in favour of the provision with regard to the bar associations, and we are in Sind rigidly enforcing the provision, and therefore, I would recommend its retention, to the select committee. With these few observations, your Excellency, I conclude.

The Honourable Mr. P. A. Desai:—Your Excellency,—I rise to support the first reading of the bill. I endorse every word that has fallen from the lips of the members

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who have already spoken on this subject. It is quite clear that this bill puts certain restrictions upon the liberty of pleaders. Much has been said, and I endorse the same remarks, that it would be dangerous to leave to the District Judges to decide the matter without referring it to the High Court in cases of misconduct. It is said that the choice is left to the District Judge either to take action himself or to report the matter to the High Court. I say the choice ought to be left to the pleader himself. If the pleader thinks that the District Judge is not competent to deal with the matter, it should be open to him to request the District Judge to send the matter to the High Court for decision.

Then, your Excellency will see that certain restrictions which are quite unnecessary are to be placed both upon the clients and upon the pleaders. In the case of agreements which take place between a pleader and a client, many times less fees are charged by the pleaders, and clients agree to give them inams on the result of the case. Now provision has been made in this bill also for a private agreement between the parties and the pleaders, but it is said in clause 29, that no such agreement can be enforced without going to a civil court. I cannot understand why it is necessary that the agreement should be enforced by the civil court. All other matters can be referred to arbitration and can be decided by arbitrators chosen by the parties. Why should there be an objection in the case of the enforcing of an agreement which has taken place between the pleader and his client? Why should the parties be compelled to go to the civil court? I say there are such points in the bill and, as far as possible, these points may be considered by the select committee.

There is another point that we see in the bill. There is a long standing cry in the High Court that pleaders are not allowed to practise on the original side of the High Court. Clause 7 simply says that the pleaders should be allowed to practise in the High Court, but I think they should be allowed to practise both on the original and the appellate side. Of course, that can be done by the select committee. But I think the members of the select committee should kindly take into consideration this principle that there should be no unnecessary restriction placed upon the liberty of the pleaders. With these remarks I conclude.

The Honourable Mr. D. V. Belvi:—Your Excellency,—I welcome this bill as a useful measure. It is a bill which is intended to consolidate the law or the various laws which regulate the conduct of the legal profession—I mean vakils and pleaders—in this Presidency in one act. We are now discussing the first reading of this bill, and I can only refer to matters of general principle in considering this measure. I do not wish to repeat what has already been stated by the honourable members who have already spoken. I wish only to supplement what has been said. My honourable friend Mr. Pandurang Desai thinks that vakils of the High Court should be at liberty to practise on the original side of the Bombay High Court. Nobody will be more glad than myself were such permission granted to High Court vakils. I am myself a High Court vakil of many year's standing, but unfortunately for us it is not open to us, the provincial legislature, to introduce such a change. The original side of the High Court and proceedings obtaining there are regulated by the Royal Letters Patent of 1865 granted to the High Court. Under these Letters Patent the Bombay High Court has framed certain rules and rule 40 of the High Court rules makes the original side of the High Court a close preserve for one section of the legal profession, namely, barristers and advocates. I believe that my honourable friend Mr. Desai has done a distinct public service by calling attention of this Council to this glaring defect in the law. We know that in the Presidency.....

The Honourable Sir G. Carmichael:—I rise to a point of order. This Council has no authority to make any alteration in the Letters Patent of the High Court and it seems to me that the honourable member is going outside the discussion of principles of the bill which is now before the Council.

His Excellency the President:—The honourable member may only touch very lightly on the point, but he must not go into any details.

The Honourable Mr. D. V. Belvi:—Your Excellency, my only idea was to call attention to this defect in the law. I have already stated that it is not in the power of this legislature to correct the mistake.

Now, so far as the present bill is concerned, there are one or two points to which, I think, I should refer. The first is the table of fees. I find the table of fees which is now in force is to be revised and a successful party is to get a little more of his costs than he has been able to get hitherto. But to my mind it is not the whole relief which is needed in the interests of litigants. After all, the costs awarded to a party by a court of law

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represent a very small proportion of his actual costs. Why should not the costs be taxed as costs that are actually incurred between a party and a party? We know that a man who brings a suit, say, for a thousand rupees gets only Rs. 30 as his pleader's fees, but the pleader charges a considerably large amount as his retainer in addition to his fees. The party may have to pay even Rs. 100 as a retainer. Under the present scale the successful party gets about Rs. 30, and under the revised scale, which is to come into force if this bill passes into law, the court will pay the party a little more. That is a point which should be carefully considered. On the continent of Europe I am advised that costs are in most cases taxed as costs between man and man, that is, the real costs are awarded to the successful party. This legislature should see if is not feasible to introduce a provision of that kind.

Then, there is another point and that point has already been touched by one of my honourable friends. My honourable friend Mr. Rupchand Bilaram has referred to the provision which says that it should be open to a party to retain two pleaders. That is a principle to which I must respectfully demur. It means adding unnecessarily to the cost of a litigant. There is no reason why a man should have the luxury of retaining two pleaders in that way. If he is a moneyed man, he can retain ten vakils or five barristers, but so far as his case is concerned, it would be wrong to award to him the fees of two vakils. I know, in saying this, I am going against the interests of a profession to which I myself belong, but, after all, the interests of the public must outweigh the interests of a profession to which an honourable member belongs.

There is still another point which has not yet been touched. I find that under one of the provisions of this measure if a pleader accepts a vakalatnama in a case and if he wishes to transfer it to a brother pleader, he can only do so with the permission of the court. That is a matter with which I am not prepared to agree. It must be left as a matter entirely as between the pleader and his client. We know in many cases judges are not disposed to grant such permission and serious inconvenience in such cases will be caused both to litigants and to practising pleaders, if this provision is retained in the bill.

Now, as for the question of professional misconduct, I believe that the matter has been thoroughly discussed by the Honourable Rao Bahadur Sathe and the Honourable Rao Saheb Desai. In the High Court of Madras a decision was given recently that being a director of a bogus company was improper conduct for a pleader and a pleader could be hauled up before the High Court for misconduct in such circumstances. That decision has been given under the Legal Practitioners Act. It will be for this legislature to consider whether it is right to subject a pleader to liability to be hauled up on the ground of professional misconduct for conduct which cannot strictly fall within the purview of his profession. Where are we to stop if such laxity is to prevail? What may be thought proper by one man may not be necessarily thought proper by another man. After all, it is the dignity of the profession that has to be maintained. Let that dignity be maintained with all possible rigidity, but to import considerations which are extraneous to a man's profession in weighing his conduct would surely be not only oppressive on the members of the legal profession, but to my mind it would be an unfair encroachment on the independence of the legal profession. If that is done, pleaders will always be in dread of the courts before which they have to practise. These points should be carefully considered by the select committee.

There are other points in the bill, but I do not think I should dilate upon them. I know that representations with regard to this bill have been submitted by members of the bar of various districts. At any rate, so far as I know, the members of the bar at Satara and also at Belgaum have sent in representations to your Excellency. Perhaps these representations were not received in time, and copies thereof have not been circulated among honourable members of this Council. But they will be circulated, I make no doubt, in due course and they should be given such weight as they deserve. This bill is very important and it ought to be very carefully considered by the select committee. With these few observations I have much pleasure in supporting the first reading of the bill.

The Honourable Mr. S. B. Upasani:—Your Excellency,—I have much pleasure in according my support to the first reading of the bill. This legislation was long overdue and I am glad that it has come before the Council now. After the speeches that have already been made I need not take up much time of the Council; however, I shall refer to a few points which I think require some notice. In the first place, as regards clause 8, which refers to the places where district pleaders are entitled to practise, I may observe that sub-clause (*b*) of the clause lays down that in the case of a district pleader he may practise in the court or courts which the District Judge may assign to him. But I think that when

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a pleader has got a sanad to practise in a district he ought to have the right to practise in any court in that district, without any permission from or restriction by the District Judge. When a pleader is admitted as a High Court pleader, the court does not restrict him to practise in any one district. In the same way, when a pleader is admitted as a district pleader, he ought to have the right to practise in any court in the district. The pleader is the best judge as to the particular place where he will practise. He will no doubt permanently choose one court, but if occasion arises, he should have the right to appear in the other courts of the district if he happens to get an engagement in any case pending in them. The restriction proposed does not apply to magistrates' courts and there is apparently no reason for it in the case of civil courts. I hope these points will be considered in the select committee.

Then we come to the question of fees. I think the fees allowed to be charged under the old regulation are inadequate, and the increase now provided for in the bill was necessary. However, I think that if the provisions embodied in the bill allow separate fees for every execution application, it would impose a very serious charge upon the litigant public. I think, for execution applications we need not allow separate fees unless the court specially thinks it reasonable in any case, considering the nature of the contest or the time involved in the hearing of the application. In such cases it may be necessary, but it ought to be left to the discretion of the court to allow it in any particular case for special reasons. I hope, this point will also be considered in the select committee.

As regards the point, which was referred to by some of the honourable members, as to the pleaders being allowed the option to appear without charging any fee if they so choose in any case, I think, a provision to that effect is necessary, and this should be made clear, as doubt exists regarding it, and the provisions in the bill as they stand may be interpreted to mean that he is not allowed to do so. I remember a case in which a suit was filed against a local municipality by a private individual who was a ratepayer. He was a poor man. As the subject matter concerned the whole town, two pleaders appeared for him without charging any fees. The first official notice which the plaintiff received was to be charged with income-tax, and when he appealed against the imposition of the tax the main question inquired into was as to what he had paid to the pleaders who appeared for him in the case, and when he stated that he had not paid them anything, a report was made by the District Magistrate moving the District Judge to take action against the pleaders for unprofessional conduct; but the District Judge after consulting the bar association took a sane view, and no action against the pleaders was taken. Next as to allowing fees of two pleaders to be taxed in certain cases, I may observe that two pleaders are not always engaged in the cases referred to in clause 20 of the bill, but occasionally a senior pleader is engaged at the final hearing or for argument and he is engaged by the day, and if that is so, the provision now in the bill should, I think, not be allowed to stand as it is. Clause 20 allows double fees only where a party has engaged more than one pleader before the first hearing of the suit, but even if he be engaged them after the first hearing, I think, the fees actually paid may be allowed to be taxed. I think this point should also be considered by the select committee.

There is a proviso to clause 19 which lays down that where costs are awarded to a party and the pleader's fee taxed is greater in amount than the fee settled under clause 17, the pleader shall be entitled to the excess when recovered. I do not see why, when the pleader has agreed to accept a certain amount, the party should be made to pay him any part of the excess which is recovered by him from the opposite party. In case the party had agreed to pay more than the taxed costs the pleader would not have consented to receive less. Therefore, when the matter is settled by a contract binding on the pleader as well as the party, any excess that is ordered by the court should go to the party himself and not to the pleader.

Then, as regards the punishment of a pleader by the High Court for professional misconduct, I think, the words "or otherwise" in clause 25 of the bill are rightly objected to, and I hope, those words will be removed.

As regards the point that district courts and subordinate courts should not take notice of unprofessional conduct but should report it to the High Court, I think it is asking for too much. I think that the presiding judge in the case of every court is always anxious to keep good relations with the bar, and he ought to have the inherent power of taking notice of unprofessional conduct in any case heard by him, and he should draw the attention of the pleader, and in only more serious cases should he report the matter for action by the High Court.

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It is suggested that the bar associations should have the power to report any misconduct on the part of the presiding judge. While some of our friends claim that right, they do not leave the judge to exercise the powers of discipline which he ought to possess, and this would be hardly fair.

Then as regards the wording of sanads for practising in the High Court and the district courts, I think, the differentiation proposed in the forms given in Schedule II is not justified. In most cases now, the district pleaders, like the High Court pleaders, are men who have passed the LL.B. examination, or the High Court pleaders' examination, and I think, any differentiation in the wording of their sanads is unnecessary and invidious.

Then in Schedule III it has been said that Rs. 15 should be the minimum fee to be charged in sub-judges' courts. If that is to be the limit, I think, it will, in some cases, exceed the amount of claim involved. I think, we may retain the prescribed minimum as regards the High Court and the district courts, but as regards subordinate judges' courts, I think, it may well be reduced to Rs. 10, if not to Rs. 5. With these few remarks, I support the first reading of the bill.

The Honourable Sheikh Ghulam Hussein Hidayatallah:—Your Excellency,—I want to say a few words so far as clause 25 is concerned. That clause lays down that the High Court may suspend or remove from practice, or may fine or reprimand, a pleader who has been guilty of a breach any of the provisions of this act or of any other improper conduct, whether in his professional character or otherwise. This, I submit, is simply restricting the liberties of pleaders. These are too wide terms. They may include anything. I know of an instance in Sind in which a pleader, who happened to be a member of the municipality, had a passage at arms with the president, and he was reported for the disciplinary jurisdiction of the Sind High Court. But luckily the High Court did not take any action against him. I am sure if the words "or otherwise" were in force at that time, the pleader would have been doomed for what he did as a member of the municipality. I think the select committee should carefully consider the words. They ought to be defined if it is decided to retain these words.

Then, I refer to a point raised by the Honourable Mr. Belvi. He said that the revised scale of fees was not sufficient. I quite agree with him that they might be increased. But I do not agree with him that the successful party should be given the actual costs incurred. It would be exceedingly difficult to ascertain the actual expenses. But I am quite in sympathy with him that the revised scale should be further revised. With these remarks I support the first reading of the bill.

The Honourable the Advocate General (Sir T. J. Strangman):—Your Excellency,—I think we are all agreed that it is in the highest degree desirable that the law relating to pleaders be consolidated and improved. At present it is scattered about in a number of ancient enactments, and it is exceedingly difficult for the ordinary person to ascertain what it is.

The provisions as to fees in the existing law are notably obsolete. They were settled, as the honourable mover said, something like 100 years ago. The present bill gives substantial advantages to the pleaders, and indeed to the litigant public in these respects.

Now, there is no doubt that there are numerous matters of detail, which involve very considerable difficulty in this bill, some of which have not been touched on here. I refer in particular to those dealing with the High Court, because we have to be particularly careful to avoid doing anything which may infringe the provisions of the Letters Patent. But, after all, these are all mainly matters of detail. There are, however, two matters of principle, with which I should like to deal. The first is in reference to the question of punishment. At present the provisions in regard to punishment are contained in Act I of 1846 which is a Government of India Act. It provides, among other things, that—

> "Where a pleader renders himself liable to a fine in the Court of a Principal Sadr Amin or Sadr Amin, it shall be competent to such Principal Sadr Amin or Sadr Amin to impose such fine:
>
> "Provided that an appeal from all orders imposing such fines shall lie to the Zila or City Judge, whose decision thereon shall be final."

And there is another provision, namely:

> "The rules applicable to pleaders in the courts of the Zila and City Judges shall henceforth be applicable, so far as they are capable of application, to pleaders in the Munsiffs' Courts."

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As things stand at present, the subordinate courts have powers to fine pleaders practising before them. My honourable friend Mr. Harchandrai Vishindas referred to Act XVIII of 1879 as the latest pronouncement on the subject, and he read sections 13 and 14. There is only one clause of secton 13 that applies to Bombay, and that is clause (*e*). None of the other clauses apply to Bombay at all, nor does section 14. Clause (*e*) provides that the High Court may suspend or dismiss a pleader or mukhtiar who accepts any employment in any legal business through a person who has been proclaimed as a tout. In matters relating to touting, therefore, it is the High Court only which can deal with the offender. In other matters he may be dealt with by the subordinate courts. It is not, therefore, that this bill gives the subordinate courts powers which they had not got before. The truth of the matter is that the bill restricts the powers of the subordinate courts and confines the power of punishment to fewer people than those who possessed it before.

Now, the only other point to which I should like to refer is the one raised by my honourable friend Mr. Belvi. Supposing A litigates with B. A obtains a decree and B is directed to pay his costs. The Honourable Mr. Belvi asked why should A not get the whole of the costs that he has incurred. Curiously enough, he gave the answer to this question in another argument that he put forward in connection with another point. The answer is this. A may be unduly nervous or he may be unduly rich, and in either event he may be unduly free with his money. He may engage, as the Honourable Mr. Belvi said, 5 barristers and 3 pleaders. Why in reason should B be made to pay all the expenses of engaging them? The present policy of the law is that where B is directed to pay the taxed costs of A, he should pay such costs as the court considers it was reasonable for A to incur in the prosecution of the litigation. That policy is maintained in the bill. And, as I said before, the scale of fees has been increased with the result that the successful litigant will be very much more likely, when he gets a decree for costs, to recover the whole of the costs which he has incurred. At any rate, he will certainly be able to recover a reasonable amount.

The other matters, your Excellency, are really matters of detail and can be more appropriately dealt with in select committee.

The Honourable Mr. B. S. Kamat:—Your Excellency,—All the previous speakers have been lawyers and they have spoken from their own point of view. As one of the litigant public and an unfortunate litigant, I venture to make only one suggestion for the select committee, and that is with reference to clause 18, namely, the computation of fees to be taxed. This bill provides a schedule of fees, Schedule No. III, according to which the bill of costs is to be recovered by the successful party from his adversary. The scale provides a certain percentage of fees from Rs. 5,000 up to Rs. 20,000; above Rs. 20,000 upto any amount the rate provided is half a per cent. What I venture to suggest is that there ought to be a maximum limit placed somewhere. There are civil cases, the value or the subject-matter of which may be, for instance, a lakh of rupees or a lakh and a half. The pains and trouble which the pleader has to take in cases, for instance, where the subject-matter is Rs. 1,00,000 are practically the same as those which he has to take when the subject-matter is, say, Rs. 20,000. In fact where the subject-matter is Rs. 20,000 or less, there may be more voluminous papers; the cases may be very complicated ones, and the pleader may have to take immense trouble; whereas on the other hand, in the other case, the subject-matter of which is, say, Rs. 1,00,000 or Rs. 2,00,000, the suit may very often be a simple one. The record may not be voluminous, and the trouble which the pleader has to take is not very much. Therefore, I think that it is necessary in the interests of litigants to place a maximum limit upon the fees to be taxed. If that is done, there will be a sort of protection to the litigants. The bill, as it stands, gives unlimited power to the courts in taxing the costs, which ought not to be allowed by law. The total maximum limit should be say, Rs. 500 or Rs. 700. How much the amount should be, is a matter for the select committee to decide. But in any case, I think it is necessary to put a maximum limit on the fees to be taxed.

The Honourable Sir G. Carmichael:—Your Excellency,—The motion before the Council has produced a most interesting discussion. There has been a general agreement on the main principles of the bill, and as was pointed out by the Honourable the Advocate General, any differences of opinion have been directed mainly to points of detail. Some honourable members have pointed out that some of these points of detail involve questions of principle. The Honourable Mr. Gokuldas Parekh made a remark, with which I entirely agree, that this bill is long overdue. The Honourable the Advocate General pointed out the misapprehension under which some of our legal members have been labouring with regard to the actual law on the subject at present. It certainly surprised me to hear

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the Honourable Rao Saheb Harilal Desai begin by a statement that the whole of the disciplinary powers in the matter of pleaders vest in the High Court. There is perhaps some excuse for that statement. I find on looking to the publication containing Bombay Regulation II of 1827, that it is printed as if that regulation had been repealed. But in point of fact it has not been repealed. It has been printed not on the page on which it should have come, but in another part of the publication. It is in volume IV, page 1783. That may account for the fact that some of our legal members may have failed to acquire a knowledge of the existing law. The Honourable Rao Bahadur Sathe said that the very fact that sub-judges—first, second and third class—very rarely exercise any of the disciplinary powers allowed to them spoke volumes in favour of pleaders. But the fact that they have not done so may possibly be accounted for by assuming that the courts in question were as much unaware of their powers as some of those who have spoken in this Council here to-day. The question of principle on which the discussion has mainly turned is with regard to the disciplinary powers to be exercised. I think the majority who have spoken are opposed to the powers being entrusted to district courts, the courts of sessions, the Chief Judge of the Court of Small Causes and the Chief Presidency Magistrate. This is a point which the select committee will have to consider.

The other question in connection with this matter of discipline is whether action should be taken not merely in cases of professional misconduct but also in cases of misconduct outside professional matters. It seems to me that some of those who dealt with this question omitted to notice the remark in the statement of objects and reasons that the power is one which the High Court already are exercising. They have the power to take action even in cases outside professional misconduct. The Honourable Mr. Belvi referred to a particular decision which, I think, is the same as that mentioned in the statement of objects and reasons in the remarks on clause 25. I think everyone will agree that it is perfectly right that the High Court should have the power to take action in cases of that kind. I understand that this is the practice in England also, and I am sure that the practice is for the good of the pleader's profession as a whole. I was somewhat statement of objects and reasons in the remarks on clause 25. I think, everyone will agree surprised to hear objection taken to this particular provision of the bill. It seemed to me that the safeguard which is devised for the maintenance of the dignity of the pleader's profession was one which would be welcomed by the members of the profession themselves.

The next point which was discussed was with regard to the payment of a retaining fee. That is a comparatively small matter. I do not think any principle is involved there. But it seems to me that honourable members overlook the fact that in order to establish a contractual relation between the pleader and his client it is necessary that the pleader should receive some consideration from his client. In any case it is a regulation which has been in force for the last one hundred years and I have not heard of any complaint having been made as regards the operation of this part of section 50 of Bombay Regulation II of 1827.

The Honourable Mr. Harchandrai Vishindas has said that it should be free to a pleader to offer his services to his brother or other relative free of charge. I think it is usually regarded as foolish to employ a relative either as one's pleader or doctor. I do not think the practice should be encouraged.

Coming to the question of giving the High Court power to require pleaders to join the local bar association, I think, in this Presidency we are in a very favourable position because of the confidence which exists between the High Court on the one hand and the bar associations on the other, and I feel sure that in the matter of maintaining the profession in its high reputation, the two will work together. Two honourable members rather surprised me by suggesting that such confidence does not exist. The Honourable Rao Bahadur Sathe suggested that the High Court may be rather autocratic in ordering pleaders in particular districts to belong to the bar association of that district, and he suggested that the High Court should be required to consult the bar associations in the first place. At least that is what I understood his suggestion to be. But I feel that in these matters the High Court will always consult a bar association before they take action under clause 30. With these remarks, sir, I beg to move the first reading of this bill.

Bill read a first time.

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

The Honourable Sir G. Carmichael:—Your Excellency,—I beg to move that the bill be referred to a select committee consisting of the Honourable the Advocate General, the

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Honourable Mr. Parekh; the Honourable Mr. Belvi, the Honourable Rao Bahadur Sathe, the Honourable Mr. Sethna, the Honourable Mr. Seddon, the Honourable Rao Saheb Harilal Desai, the Honourable Mr. C. V. Mehta and the mover with instructions to report by the 1st of September next.

Bill referred to a select committee.

The motion for referring the bill to a select committee was then put to the vote and carried.

His Excellency the President:—The Council will now adjourn till 2-30 p.m.

The Council then adjourned for lunch.

After lunch.

The Council re-assembled at 2-30 p.m.

A Bill Further to amend the City of Bombay Improvement Act, 1898, and the City of Bombay Municipal Act, 1888 (Bill No. VII of 1920).

His Excellency the President:—Order, order. A Bill further to amend the City of Bombay Improvement Act, 1898, and the City of Bombay Municipal Act, 1888 (Bill No. VII of 1920), first reading.

His Excellency the Governor moves the first reading of the bill.

Gentlemen,—I rise to propose the first reading of a bill to amend the City of Bombay Improvement Act, 1898, and the City of Bombay Municipal Act, 1888. It is, I know, unusual though it is not unprecedented for the Governor of the Presidency to move the first reading of a bill put forward by his Government. But I am doing so because I desire to take this opportunity of personally explaining, not in close detail but in broad outline, the main purport of the policy that takes its beginnings from the measure here laid before you. The amendments are in themselves modest ones and give to the casual observer little indication of the reforms to which they are the necessary prelude, but in fact they represent the first links in a chain of measures, legislative and administrative, which have been receiving the anxious consideration of my Government for the last eighteen months and which are calculated in our opinion to effect a vast and radical improvement in the conditions of life in our great city. I do not think I need insist upon the crying need for this. For years past the need has been realized, for years past some attempts have been made, but, as it seems to me, the problem has never been tackled on sufficiently bold and courageous lines, nor has it been adequately recognized that whilst small improvements were taking place all the time the city was growing far faster than the amelioration, or that actual standards of life were increasing almost as rapidly as the numerical increase of its inhabitants. It is a sufficient proof of the horror of the conditions that two-thirds of the people of this city live in insanitary and airless one room tenements, and that more than 50 per cent. of the children born in this city die before they reach the age of eighteen months. For all that makes home life pleasant—light, air, space and cleanliness, it is indeed a city of dearth,—for the children it is a city of death. Our proposals, then, are intended to make a radical improvement of these conditions to ensure that every possible advantage should be taken of such facilities as nature has bestowed on the place for increasing the area available for building sites within its borders and to arrange, as far as skill and science can provide, that its development shall proceed on the best possible lines. The whole question is too large a one to deal with in one speech, and I cannot to-day attempt to deal with it in all its details. I am keenly anxious to secure the whole-hearted co-operation of the public, and in order to gain this, steps will be taken in the immediate future to place before the public in the fullest and most simple form, the details of the various projects which Government propose to carry out; for the moment, therefore, I propose to confine myself closely to the measure before this Council.

Its main objects are, firstly, to secure funds with which to carry out the scheme for the provision of improved dwellings for the working classes and, secondly, to secure funds for the assistance of the Bombay municipality. The latter are necessary not only to raise the general standard of municipal efficiency but also to enable the municipality to discharge their municipal duties in respect of the new areas that they will have to administer and make large provision for. To these two objects may be added a third, of comparatively minor importance, namely, the amendment of section 32G (1) of the Improvement Trust Act of 1898, so as to allow the payments made under the Poorer

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Classes Accommodation Scheme to be spread over a period of 50 years instead of 28. The problem of improving the housing conditions for labouring classes has been so continually before this Government and the public during the last twenty years that it will hardly be necessary for me to refer in any detail to its history. Briefly, however, it begins with the passing of the Bombay Improvement Trust Act, 21 years ago. Its object was partly to open up and improve lines of communication to the large vacant areas in the north of the island, and also—and chiefly so—to provide housing for the poorer classes of the people. For various reasons, the merits of which I will not here discuss, the latter policy was not fully carried out, and subsequently in 1913, the act was amended so as to enable employers of labour to utilize the credit of the trust and obtain on easy terms advances for the construction of residences for their employees. The provisions of this law were actually settled in consultation with the representatives of the millowners themselves. It is a matter of some regret that with the exception of one or two cases these facilities have not been taken advantage of.

As regards the areas in the north of the island, a great deal of valuable work has already been done. The eastern avenue is nearing completion and the land which is thereby made available is being rapidly taken up to the great advantage of the city. Furthermore, relief is afforded by the migration of middle class people from the congested areas to the north of the island and will certainly help to relieve the central congestion and indirectly increase the amount of housing accommodation for the lower classes. As against this, however, the rapid increase of the population, the industrial prosperity attracting to the city ever increasing quantities of labour makes it certain that even with the additional accommodation so far provided, the supply of houses in the central and southern parts of the island is still very much below the demand for them. But the creation of the Improvement Trust and the policy I have just outlined was further followed by the renewed careful consideration of the whole housing question by the Bombay Development Committee, which met under the presidency of Sir Claude Hill in 1913. Various recommendations were made then by this committee, and amongst them the principle was enunciated that it was the duty of the employer of labour to provide accommodation for a part of his operatives. To give effect to this principle, they recommended that the owners of mills should be compelled by law to take advantage of the facilities provided by section 32G (1) of the Improvement Trust Act; in other words, they should be compelled to take advantage of the loans offered by the trust and construct adequate accommodation for their employees, and that the other large employers of labour, the railway companies, should construct accommodation for their workers outside the island, at the same time making arrangements to convey them daily to and from their work.

The question was further considered by the Indian Industrial Commission, which visited Bombay in 1916 and devoted considerable attention to the subject. In their report they discussed in detail the recommendations of the Development Committee and considered that there was no precedent for the application of the principle of individual compulsion. Their view was that to force the millowners to erect houses for their employees would be to subject them to a heavy financial handicap. The burden so imposed would fall unevenly on different mills according to their financial position and the cost for which the land was available in each case. Furthermore, they held that it would be unjust to compel millowners to build houses for workmen unless the workmen were bound to occupy them. Finally it would be unfair to compel millowners to contribute in this way and exempt employers of other classes of labour from the obligation. For these reasons, as I say, they condemned the proposal of the Development Committee to apply the principle of compulsion to millowners. In its stead, while emphasizing the cardinal importance of improving the conditions of life, and of laying down a definite standard of industrial dwellings, and working out a regular building programme, they insisted that the cost must be shared by local bodies, namely, the municipality and the Improvement Trust, assisted, if necessary, by the local Government. They concluded by saying:—

> "If the existing resources of these bodies, together with such assistance as Government may be able to spare, are not sufficient for this purpose, then further taxation should be imposed in such a way as to fall mainly on the employers whose co-operation may most suitably be obtained in this form."

Action on these suggestions and those of the Bombay Development Committee was necessarily suspended by the war. But when the war came to an end, and this Government found it possible to formulate a definite line of action, it was found that owing to

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the increase of population which had taken place during the four years of war, and the recent rise in the prices of materials, which proved an impediment to the extensive construction of the dwellings for lower classes, the conditions were even worse than they were in 1913. The following figures will illustrate this remark.

In July 1919 the Municipal Commissioner reported that out of a population then estimated roughly at 12,00,000, nearly 8,92,000 resided in one room tenements. That taking four persons per tenement, the number of tenements required was 223,000, whereas the number of tenements existing was only 174,000; that there were further 15,000 tenements which, either because they were unfit for human habitation, or were structures of a purely temporary nature, ought to be replaced. The total shortage, therefore, was 64,000 tenements.

These figures showed clearly the serious shortage in the housing accommodation available for the working classes, and pointed to the necessity of a scheme of a really bold and comprehensive character, in order to effect the removal of an evil which was not only becoming a menace to the general industrial and financial prosperity of the city, but which had already become a serious danger to the health of the citizens of Bombay. Active enquiries were then set on foot as to the best method to effect a remedy. It was first proposed to apply the principle to which effect has been given on a large scale in England, and to arrange for large Government loans to be placed at the disposal of the Improvement Trust on easy terms, in order that the Trust should be enabled to undertake the construction of the houses and necessary buildings as well as to make the necessary financial arrangements. Further consideration, however, showed that the provision of housing accommodation for the working classes on this very large scale was never intended to be the duty of the Trust. Nor was the Trust equipped with resources enabling it to undertake such a great task. Moreover, the Trust had recently undertaken four large schemes of improvement, covering areas which amounted to one-ninth of the total areas of the island, in addition to the task of completing the six improvement schemes already on hand, the work of which had been delayed owing to the difficulties arising out of the war. Hence, it was decided that for the purpose of what may be called the direct attack on industrial housing, the Improvement Trust, except in one direction, namely, that of land provision, would not be able to render sufficient assistance. Out of the large areas which they will acquire under their schemes in the north of the island, the Trust hope to be able to provide land for at least 36,000 tenements.

Simultaneously with these enquiries, efforts were made to enlist the co-operation of leading millowners in Bombay in supplying funds for large housing schemes. Some progress was made in this direction, and offers of co-operation and financial support were secured from a large proportion of the millowners of the city of Bombay. But, on further examination, it was found that the possibilities of success for a scheme of this nature were doubtful. The arrangements were necessarily to be made on purely voluntary basis, and it was obvious that there was a risk of friction if not complete collapse, if at a future date any of the then consenting parties withdrew from the scheme. Further, the scheme was open to the objection that it was to apply to the millowners only. In the end, after careful examination, it was decided to abandon it. A further alternative was considered, namely, of erecting accommodation through the agency of the municipality of Bombay. But for reasons which will be amply apparent from the remarks which I shall make hereafter, this also was rejected.

Consequently, as a last resort Government have been driven to the conclusion that there is no alternative to direct Government action. The problem to be faced is the direct construction of additional housing accommodation, sufficient to supply the deficiency reported by the Municipal Commissioner in July 1919. That deficiency, as I have already mentioned, amounted to 64,000 tenements. Of this number, it is believed that 14,000 tenements can be supplied by the conversion and improvement of tenements now considered unfit for human habitation, and also by vacancies due to the migration of members of the middle classes to the new houses which are being built in the northern part of the island. The balance of 50,000 rooms represents a minimum, for which arrangements will have to be made.

For construction of this magnitude, the first requisite is an adequate area of suitable land. This, as I have already mentioned, is available for 36,000 rooms in the areas covered by the Improvement Trust schemes. The balance can, it is believed, be provided by reclamation in certain parts of the island. I will not at this juncture weary the Council with the detailed calculations, or our justification for those calculations. I will confine myself to saying that our rough estimate of the cost of these

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50,000 tenements is some Rs. 5,50,00,000. It will, however, be quite clear to any one conversant with the conditions of industrial life in Bombay, that it will be impossible to expect a return from the rent of these buildings, which will meet the expenses incidental to a capital expenditure of this amount, much less the return of a profit. According to our estimate, the annual loss entailed by the scheme will amount to Rs. 13,50,000.

But this is not all the money we shall require. The close and careful consideration of the problems affecting this big city has convinced Government that the mere provision of accommodation on this scale will not be sufficient to effect a real improvement in the conditions of life of the lower classes, which is so eminently desirable. If Bombay is to be improved effectively and rapidly, if the municipal services are to be brought up to a standard which will be a credit to a city which claims to be the second city of the Empire, a very large capital expenditure in the immediate future is necessary. The municipality has recently laid down for itself a programme involving a large expenditure on the improvement of the water supply, which will increase the quantity of the water available for distribution from 50 to 90 million gallons a day. With regard to this particular improvement, it is unlikely that the corporation will require assistance, as the income derived from water will no doubt pay for the expenditure, and the corporation's powers of borrowing in respect of schemes of water supply are not restricted. But even if the question of water supply be left out of consideration, it is still estimated that a capital expenditure, amounting to some Rs. 6,00,00,000 will be necessary, if the wants of the city are to be met properly, and if conditions of life are to be improved with reasonable rapidity; and in particular improvements are required in the drainage and sewage of the island. The existence of large drainage works at Love Grove renders utilization of what might be a large area of excellent building sites impossible. The greater part of the northern half of the island has no system of drainage or sewage, so much so that the disposal of land made available by the recent Improvement Trust scheme is hindered by the lack of drainage facilities for houses to be built on it. A drainage expert of world-wide reputation has, Government understands, recently visited the Bombay municipality, and is now at work on a scheme which will, it is hoped, provide for the removal of the pumping station at Love Grove to the north-east corner of the island, and effect a radical and lasting improvement in the general scheme of the disposal of sewage.

The hospital accommodation in the city is much below the standard aimed at in large towns. Heavy expenditure will be necessary in the near future on additional hospital accommodation for infectious diseases, for tuberculosis in particular, also for the construction of the King Edward Memorial hospital in the north of the island, and for dispensaries in the more crowded parts of the island. A number of additional markets have to be provided, and those in existence still need improvement. The existing slaughter houses have for years past required modernizing, and the construction of new abattoirs on the latest pattern is, I understand, absolutely necessary. Larger and better accommodation is wanted for primary schools, in view of the unsuitability of many of the existing buildings and the increase of pupils which is expected on the introduction of free and compulsory education. Roads are in need of widening and improvement everywhere.

The cost of effecting improvements in these and other directions is estimated to amount to at least 6 crores of rupees, the interest on which, at whatever rate you calculate it, shows a formidable figure. The principal security for the payment of municipal loans at the present moment is the general tax, the maximum for which is fixed at present at 12 per cent., while the rate actually imposed is 9½ per cent. As regards this, however, the corporation have asked for an amendment of the act, raising the maximum from 12 to 17 per cent., and Government are taking in hand the amendment of the Municipal Act on these lines. It is calculated that each additional 1 per cent. will yield 7·97 lakhs. Even allowing for a very considerable increase in the rate of general tax, it is clear that the municipality is not in a position, at the present moment, to raise the capital which is necessary if Bombay is to be rapidly developed and improved. Assistance in the form of revenue derived by indirect taxation is indispensably necessary.

In the bill which is now placed before you for consideration, Government propose to take power to impose a town duty not exceeding rupee one on every bale of cotton weighing 3½ cwts., which is brought into the city and island of Bombay. This duty, unlike other town duties, is not likely to be refunded when cotton is exported out of Bombay. The average imports of raw cotton by land and sea other than those received from foreign countries during the past 10 years have been approximately 28 lakhs of

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bales. Of these, approximately 17 lakhs have been exported. Assuming that the annual maximum yield of the duty of one rupee would amount to Rs. 28,00,000, it is proposed to assign to the municipality the amounts levied on cotton consumed within its limits or 3/7ths, and appropriate the remainder, or 4/7ths, partly for the financing of the housing scheme, the details of which have been placed before you, and partly for other development purposes which will be explained hereafter. The collection of the duty like that of other town duties will be entrusted to the municipality of Bombay.

I have dealt so far with schemes of which the object is to improve the housing of the lower classes and increase the efficiency of municipal administration. They are schemes of very great magnitude involving large expenditure; but the Government is convinced that they do not exhaust the possibilities of direct action and that the time has come to take a very much wider view of the position. The history of the growth of Bombay has been that of the amalgamation and development by reclamation from the sea of the Heptanesia or cluster of 7 islands. Until 25 years ago the bulk of the resident population were massed about the southern half of the main island. The past 25 years have seen the gradual extension of the residential area towards the north, a process which will be quickened and facilitated in the near future by the large schemes of the Improvement Trust now in hand. But the creek on the north and the north-east has hitherto constituted a physical and, in some senses, an administrative barrier to the further development of the city. Of the two, the physical barrier perhaps has been of less importance as it has been partly surmounted by the Mahim and Sion causeways, and will be further minimised when the new roads now contemplated are built to Chembur and south Trombay. But the administrative barrier requires more careful consideration. It arises out of the fact that the areas which adjoin the other side of the creek and the harbour are included in the revenue divisions administered by Commissioners whose headquarters are situated as far away as Ahmedabad and Belgaum. My Government has studied this problem very carefully, and has come to the conclusion that rearrangements must be made which will remove such barriers altogether. I will not discuss that reorganization in close detail. But for the control of this reorganization as well as for the elaboration of the schemes tending to the rapid, businesslike and orderly expansion of our policy, Government propose to constitute a special department of Government working directly under Government, but hampered by as few red tape rules and as little trammelled by old-fashioned methods as possible. Government has been fortunate enough to secure the services as Director of this department—Development Department as it is proposed to style it—of Sir Lawless Hepper whose reputation as a sound man of business is well known to the Bombay public. It was in my opinion necessary to secure for this post a man not only experienced in the direction of a large organization but a man with wide knowledge of those traffic problems which, after the initial stages, will become so important a factor in the proper development of this city and its suburbs. In addition to this, if no delay was to be incurred, it seemed to me essential not to obtain the services of a newcomer who was unfamiliar with Bombay, its history, geography and problems, and would take a year or two to become conversant with them, but some one who was already fully equipped with all local knowledge and could give all the wealth of his experience to the solution of our difficulties.

As regards the duties of the Directorate, the most important will be of a financial character. The Right Honourable the Secretary of State has throughout taken a very keen personal interest in our housing proposals, and we have similarly received the co-operation and support of the Government of India on this question. The result is that my Government has obtained permission to raise a loan for the purposes of development and for financing such specified local bodies as may desire our assistance. In future such borrowings by these local bodies as well as by Government for development purposes will be handled by the Development Directorate if they need its services, and it will be its duty to keep in touch with the markets and endeavour to see that the demands for financial assistance from the public are made at the most convenient seasons and with the maximum of support. I am sure that when the appeal for subscriptions to our loan is made that it will be cordially received and that the patriotism of the citizens of Bombay will see that schemes put forward by this Government shall not languish for want of funds. Information as to the details of our proposed loan will, it is hoped, be before the public shortly.

Briefly, then, the Directorate will

(*a*) carry out with the assistance of its engineering staff the Back Bay Reclamation Scheme and any other reclamation schemes which may be found necessary in or near Bombay city.

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(*b*) It will undertake the whole of the industrial housing scheme.

(*c*) It will organise systematically the supply of building materials for its own work and of those works with which it is connected. One of the main reasons for the inadequacy of housing for the present day, as I have already mentioned, is the high cost of materials. It seems to us unlikely that the shortage of housing will be made good unless the State steps in and enables private individuals and companies to build more cheaply than they can to-day.

(*d*) It will take over from the existing Secretariat all questions relating to the acquisition of land in the city of Bombay and all questions regarding the utilization of Government land. It will be consulted with regard to all proposals affecting land in Bombay city which are submitted by local bodies and railway companies. I wish here to emphasize the fact clearly that the Directorate will not have any powers whatever of interference with existing local bodies other than those which Government at present has. It will merely do on a wider scale and in a more efficient manner what Government has already been doing, or I should rather say, what Government would have wished to do but which for lack of personnel and organization it has not been able to do when confronted with such large and imperative reforms. We wished particularly to avoid creating any new authority; we wished our own authority, however, to be as effective, expeditious and prompt as we could make it in view of the immense task ahead of us. Its success must, therefore, depend largely on personal influence and on the public experience of its utility inasmuch as it has no new powers of interference of any sort.

(*e*) It will carry out large schemes for the systematic development of Salsette. This can be effected in two ways; (1) by town planning schemes to be carried out by local authorities, and (2) by the purchase of areas outright with a view to resale after development with the least possible cost.

(*f*) It will secure an adequate water supply for the whole of Salsette when it is developed as an urban area. Provisional arrangements for the immediate future have been made with the Bombay Municipality, but it is probable when the area is developed, this will be inadequate. If this is so, an alternative supply must be obtained.

(*g*) The Directorate will do its best to deal with the supply and distribution of the electrical energy in the area outside Bombay. Transmission lines of one of Messrs. Tata Hydro Electric schemes run across Trombay, while those of another are being erected towards the east of Salsette. A central authority will be useful for the control of the supply of both for domestic and industrial purposes.

(*h*) The Directorate will also take over the improvement of communications with Salsette. The question of improving railway communication with Trombay is already under discussion with the G. I. P. Railway, but that of linking up with Bombay city large areas in Salsette which are so admirably suited for residential purposes but are practically without communications remains to be considered and grappled with.

(*i*) The Directorate will co-operate with the Port Trust in the development of the Bombay port, more particularly if the scheme is ultimately adopted, in the development of a new dock area and ship-building area on west Trombay. A proposal to transfer to this area the Royal Indian Marine Dockyard is also under consideration.

I have occupied you long enough—but the subject is so fascinating that I find it difficult to stop. I trust I have said enough to justify the remarks I made at the beginning of my speech that this humble bill which I bring before you to-day is the first link in the chain of measures which will, it is hoped, bring a new era into Bombay city. I appeal to you to give it your best consideration and show your confidence in the schemes we place before you by passing it into law. By so doing you will, I am sure, be securing the interests of your constituents and advancing the ordinary development of the great city of which we are all so proud.

Gentlemen, that concludes the broad outlines, and only the broad outlines, but such an outline as it is proper to give to this Council on the first reading of the bill. We hope to fill in the broad strokes—I have attempted to paint here a very big subject—very shortly, as I told you, by the widest possible information to the public. But there was some newspaper criticism a few weeks ago of a perfectly friendly character complaining that we did not follow up the publication of our bill by immediate information to the public at large on a matter in which it is deeply interested. My colleagues and I felt, as I always feel, that the right place to give information on a matter of this importance was on the floor of this Council to the honourable members who represent the Bombay Presidency, (hear, hear), and I thought, therefore, that the public would forgive me if I withheld

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giving that information for another two or three weeks so that I might present it to you personally here and hear your opinion upon it. I will only add a few words. You will see, I hope, that we have not been idle in the last eighteen months. At any rate, when you come to examine closely the size of the frame in which the picture, I have depicted, lies, you will realise that it has meant a tremendous lot of work to all concerned, and I would like here to pay the warmest tribute I can to those officers of Government and members of the Improvement Trust and of the municipality who have kindly given us assistance and advice in making our proposals. You will observe that we have tried to cater for four great needs. We have tried to cater on a big scale, but none too big a scale, for the housing of the labouring classes. You will see that in Back Bay, if Bombay is to remain and extend as a great business centre, we have provided for what I call the housing of the wealthier classes or rather I should say the business houses, for offices and all the other big buildings which are necessary in a great town. You will see that in schemes some of which or all of which lie in the hands of the Improvement Trust, we are trying to provide ready made land suitable for the accommodation of the middle classes who need it, the lower paid middle classes particularly whose need in housing is almost as much, if not more, than any other section of society in India to-day. You will have seen that we have spread out in our imagination and in our proposed action, towards those areas which are healthy areas and which seem, but for a few barriers that could easily be overcome, to be the natural suburban areas of this great city. We have taken in hand the question of Trombay. We have taken in hand the question of Salsette. Government recognize their responsibility, and I hope, you will recognize by what I have told you that they recognize their responsibility, but they do not absolve employers of labour nor the local authorities from their responsibility also. Proposals have been framed whereby it is hoped that all three of us may move forward together to the same goal with a fair burden distributed on each of us. You will see that we are intending, so far as in us lies, that no delays of procedure in our Government Departments can be held to our charge.

There are a very few people—there are many perhaps—who are better acquainted with the horrors of the slum conditions in Bombay than I am myself. I venture to say that I have been into many of them and been in as close quarters to them as any member of this Council, and anyone who realizes the inevitable results of any delay in a measure of this kind, now already too long delayed, must recognize clearly the responsibilities of breeding up an unhealthy, an unfit and squalid race of people. Unless we give them better air, better light, better cleanliness and better conditions, we shall not breed a race worthy of this great city. It is open to us to do it to-day. We are not ignoring equally the child problem. That has been taken in hand by other people in the Bombay Presidency with a vigour which I cannot but praise and with a success which, I hope, will still further be augmented. We are attempting to tackle this problem on every side, and I am perfectly confident that if you look at this measure with a fair eye and realize that in the end it will appertain not only to Bombay city, but the influence of these great reforms will spread to all the other great industrial cities in this Presidency and elsewhere, you will have the satisfaction yourselves of having taken the first step on the road; for I believe that social service in this country is more important than tons of politics. To improve the conditions of the people is the greatest platform in the policy of the greatest statesman, Mr. Disraeli. You will have taken that step yourselves.

I conclude by asking for the generous and full-hearted support not only of yourselves but of all the public which you represent.

The Honourable Mr. C. V. Mehta:—Your Excellency,—While supporting the first reading of this bill, I wish to congratulate your Excellency on behalf of the corporation for the bold and courageous, and I may add, the comprehensive manner in which your Excellency has attempted to tackle the problem which, as you correctly said, has been exercising the minds of local public bodies for the last twenty years. I remember, your Excellency, and I believe it was on the next day after you landed in this country, that you went round with the then Chairman of the Improvement Trust, the Honourable Mr. Orr, to take a complete view of the housing conditions in the city, and while appreciating all that had been done by the Improvement Trust and the municipality—Mr. Orr, who is an old friend of mine, told me—the one remark that your Excellency made was that sufficient provision had not been made by the Improvement Trust for the working classes. That fact alone, your Excellency, shows the keen sympathy and the deep regard that you expressed, directly after you landed, for the great mass of the working population of Bombay. I do not think the most ardent supporter of the Bombay municipality could have produced a more satisfactory catalogue of the work that has been done by that body than was mentioned by your Excellency in your eloquent address. It is difficult to speak, sir, directly after hearing this address embracing the various points that have been touched on by you, and I confess

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that I should have liked some notice of the very large and very comprehensive schemes that have now been adumbrated. I must say, your Excellency, that I should have also liked some word of appreciation for the work that the municipality and the Improvement Trust have done in the past, even though the city may still be called by your Excellency a city of dearth and death.

His Excellency the President:—I thought I had done so. I am recognizing the immense amount of work done by these bodies. If I did not say so, it was purely an omission on my part.

The Honourable Mr. C. V. Mehta:—I thank your Excellency.

I am now speaking with considerable diffidence and I am reserving to myself the liberty of obtaining the views of the Bombay municipality, whom I have the honour to represent in this Council, on the scheme of administration which has been so suddenly placed before us and which practically gives no voice to the Bombay municipality. I think, sir, that it may be said that a scheme of this magnitude and of this complexity could not perhaps straight away be handed over to a body which is going to be composed of 100 members. At all events, I appreciate the opening remarks of your Excellency where you stated that you were anxious to obtain the co-operation of the public and where you further stated that you wish to make the public teachable. I would like to add, your Excellency, on behalf of the corporation that the corporation in a matter of this character would give the most whole-hearted and earnest support, and that they would like to share in this important work. I believe, sir, that in the recent legislation that has been adopted in England to overcome the difficulties which apparently are not confined to the city of Bombay alone but which are felt in all parts of the world, I believe, it has been provided that local bodies are to do the housing on a large scale, and that because of the high cost of materials and the high cost of building, and because rents will not be obtained at a remunerative rate, assistance by Government is to be given to the local authorities, for a certain number of years, if my recollection is correct, in order that the housing problem may be solved. I venture to think, your Excellency, that this is not a matter which pertains only to Bombay city, and perhaps it would be agreed that there are many other worse cities in the Presidency of dearth and death. And I should like to ask, sir, whether it is the intention of Government to take up the work of the expansion and housing for all these cities by means of independent bodies. And I venture to think, sir, that it would be necessary, if the work has to be carried out in the same broad-minded manner in which Bombay is going to be dealt with, to take the assistance of local bodies and to get the work done through local bodies assisted by Government. In some part of your speech your Excellency rejected the alternative of the agency of the Bombay municipality for reasons that were to follow later on. I am afraid I could not find the reasons specially stated, and I venture to point out to your Excellency that it was when the housing conditions became acute in Bombay, that more than two years ago the Improvement Trust, which I take it, is practically now the municipal corporation, put forward schemes which, your Excellency correctly pointed out, involved the expansion of the city to the extent of about one-ninth of its area involving over 1,500 acres. So also the municipality of their own account have handled the improvement of other large areas known as Mahim Woods. And I must say, sir, that while the recommendations of the committee that was appointed by Government to which your Excellency referred, presided over by Sir Claude Hill, did not bear fruitful results, the municipality and the Improvement Trust have been doing their best with the small resources at their command. The municipality have of their own accord raised the general tax from 12 per cent. to 17 per cent. They have undertaken the sewage problem and the removal of the Love Grove pumping station, and of its own initiative it is at present considering the widening of the limits of Bombay. I may mention here, sir, that this particular point of the extension of the limits of the city of Bombay, has not been turned down by the corporation. But on the contrary there are several members of the corporation who desire that not only Coorla and Ghat Cooper be included within the limits of Bombay, but that Bandra should be added also.

Now, sir, it is difficult for me at the present moment to exactly appreciate what will be the relations between this new board and the Bombay municipality.

His Excellency the President:—It is a department of Government and no new board.

The Honourable Mr. C. V. Mehta:—It is difficult to appreciate what will be the relations of this new department of Government and the municipality. I do not know, sir, whether it is not right that the municipality should have some voice or share in a work appertaining to local self-government.

Your Excellency referred to the question of reclamation. It is well known that the committee appointed by Lord Sydenham's Government on which I had the privilege to

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serve, very favourably reported upon the scheme and pointed out convincingly that it would be a great financial success. This necessary development of the city was, however, vetoed by the Government of India.

I do not wish to take up the time of the Council any further. I would only add that conceived in the broad spirit and pushed on with the persistence and drive of your Excellency, I feel sure the scheme will achieve the success which the late reclamation scheme failed to do, and I am sure every possible assistance will be forthcoming from the corporation to solve what it has recognized as a very serious problem of the day. I should only wish to reserve to the corporation the right to consider this question themselves and to offer any suggestion they may wish to make.

The Honourable Mr. Phiroze C. Sethna:—Your Excellency,—The public of Bombay will hail with delight the momentous pronouncement you have made to this Council to-day and for which they have been waiting for many months. The Honourable Mr. Chunilal Mehta has referred to your visit to the slums of Bombay the day after you arrived in this city. So far as I remember on the very day of your landing, in reply to the municipal address, your Excellency observed that the housing question of the city of Bombay would receive your earnest attention. From what your Excellency has said to-day we quite realise why it is that it was not possible for your Excellency to lay before the public a full and a complete scheme any earlier than now.

The scheme as propounded by your Excellency will lay the foundations of a greater Bombay and enable us to deserve that title which at present is disputed by other cities in the Empire, the title which your Excellency referred to, *viz.*, that Bombay is the second city in the Empire.

You, sir, have acquainted us with the programme which you propose for the capital city of this Presidency. It will I am sure take many years to accomplish all that you have planned out, but you have set the ball rolling and we feel confident that, because of the energy and push which is so characteristic of your Excellency's administration, you will have the satisfaction of seeing a great deal during the time that you will continue to be with us.

Your Excellency quoted figures giving the number of the citizens of Bombay who occupy one room tenements which works out at nearly eighty per cent. of the total population. The conditions of these one room tenements are such that 80 per cent. of the population live in filth and squalor, and what you are now proposing will give to the poorer classes better habitations than what they have been accustomed to. The immediate effect of this change will tell on the health of the public and reduce the present heavy rate of mortality. Our labouring classes will become healthier and stronger which will enable them to earn more money and consequently all this will contribute to the prosperity of the city itself. Therefore, sir, directly and indirectly the scheme will be doing incalculable good, the full benefit of which we will realize more and more as time goes on.

A reference has been made by the Honourable Mr. Chunilal Mehta to the reclamation scheme which was initiated so far back as Lord Sydenham's time. It is, sir, unfortunate that the development of the city of Bombay was not taken in hand at that time. If it had been taken in hand then, we would not have had to put up with the hardships that face us to-day in the matter of the shortage of houses. It is said that the mistakes of to-day ought to prove the stepping stones of to-morrow's success. We have made serious mistakes in the past. Let us profit by that experience and set to work in a manner that will ensure success in the future.

Your Excellency, conditions in the city of Bombay are at present so abnormal that values of lands have been unduly inflated, and it is a matter of common knowledge that lands at present have appreciated in value to the extent of not being doubled or trebled, but in many cases have increased to ten times what they were only five years ago. Speculators have entered the field, but profiteering has gone on to such an extent that reaction has begun to set in with the result that there are already many who find themselves in the position of not being able to complete their purchases at the prices agreed upon. I sincerely hope that the Back Bay reclamation you have referred to, the proposed area of which we have not been told, but I am informed, is to be about 1,100 acres, will help to improve the situation. It is well known that land in the Fort is at present sold at Rs. 1,000 to Rs. 2,000 per square yard. At a most liberal estimate the reclamation of Back Bay cannot cost Government more than rupees twenty per square yard, and if that estimate is correct and if Government choose to sell reclaimed land at say, about Rs. 100 per square yard, it will mean a handsome profit to Government, and at the same time will help to bring down the price of the neighbouring land from its present giddy heights and check the heavy speculation that has been so rampant of late.

Your Excellency observed in reply to the criticism which is made in the press that your Government did not make public the scheme earlier, that you did not do so because

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you thought that this Council was the proper place to announce it at first. After that explanation I shall not persist in the criticism I intended to make, *viz.*, that so far as I know, whenever the Bombay municipality offers any amendment, or whenever Government choose to amend the Municipal Act, the draft of the bill showing the amendment is invariably sent in advance to the corporation for its opinion, before the bill is presented for the first reading. I take it, sir, that your reasons for not doing so on the present occasion were what you have explained, and I have, therefore, nothing further to say in the matter.

Whilst you have told us that out of the revenue of 28 lakhs to be raised by the proposed town duty on cotton you will allot to the municipality three-sevenths therefrom or a revenue of 12 lakhs, we have not been told whether these 12 lakhs are to be earmarked for any particular purpose. I am in the same position as my friend the Honourable Mr. Chunilal Mehta, namely, that the entire scheme has come upon us as a perfect surprise and we are not in a position, on the spur of the moment, to offer any considered remarks as we would like to do. But, sir, we understand from what your Excellency observed that because of the proposed developments, the Bombay municipality, in addition to the very large amount of money which it will have to spend in the increase of its water supply, will also have to spend, as you stated, about six crores of rupees in building new markets, widening roads, extending hospitals, putting up new abattoirs, etc.

His Excellency the President:—I was only giving a rough estimate and was speaking in general terms.

The Honourable Mr. Phiroze C. Sethna:—I quite admit it, your Excellency. What I am trying to point out is that we do not know what exactly the municipality is expected to do in return for the twelve lakhs which your Excellency's Government propose to give them. That is my point, and as I say, in the absence of any previous information, we are more or less at sea in regard to what comments we make to-day. You are allowing us a revenue of twelve lakhs of rupees. Now, sir, at to-day's rate of interest we could not possibly borrow at less than $6\frac{1}{2}$ per cent., when the Government of India are themselves borrowing at 6 per cent. free of income-tax. Therefore, twelve lakhs a year will allow us to borrow from the public at the very most to the extent of a crore and a half, and it appears to me very doubtful whether a crore and a half will allow us to meet all the liabilities which the municipality will be saddled with in connection with the proposed improvements. I hope, sir, that before the second reading of the bill comes up, the municipality will be put in possession of all details, so that we may put forward our case before your Excellency's Government.

Now, sir, with regard to the development directorate, your Excellency has told us that it will be a part of Government, but fortunately it is to be free from red tape. I hope, sir, that this department will work more expeditiously than most departments of Government are wont to do, and that your Excellency's expectations in the matter of the development directorate will be realized. But, sir, my honourable friend Mr. Chunilal Mehta, who is the representative here of the Bombay municipality, has drawn our attention to the fact that there will be no representative of the municipality on this directorate, and further we have not been told if, like the Improvement Trust or the Port Trust, Government contemplate that the Director of Development is to have the benefit of the advice of local men in the shape of an advisory board or aught else. I appreciate all that has fallen from your Excellency in regard to the merits and worth of a man like Sir Lawless Hepper. Bombay knows him and he knows Bombay, but with due deference there will be many citizens in Bombay who will perhaps be able to give points even to Sir Lawless Hepper in connection with development schemes, if they happen to be on the board. Your Excellency has not informed us whether the Director is going to have autocratic powers. If, sir, as I hope, he is not to have autocratic powers, I would suggest that the select committee on this bill should recommend the appointment of an advisory board consisting partly of some members of the Bombay municipality. All these points will have to be carefully considered by the select committee before the bill is brought forward for the second reading.

One more point, sir, and that is that no indication is given to us in regard to the period for which this directorate is to exist. Is there to be any time limit, or is it to continue indefinitely until whatever programme is put before it is accomplished? When the Improvement Trust was started in 1897 we were distinctly given to understand that that Trust would last for about 20 to 25 years, and your Excellency's Government has now promised to transfer it to the Bombay municipality. I would like to know, sir, if it is possible to inform me whether there is any intention that some day this directorate will cease to exist or be transferred to the municipality, and whether there is any time limit

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fixed or that Government desire that this directorate shall continue as long as everything that is contemplated has been completed by it. With these few remarks, sir, I support the first reading of the bill.

His Excellency the President:—May I just once more remark, in view of the speech of the honourable member and of other speeches that may be made, that the honourable member has fallen into the same error, which I once before pointed out, in looking upon this department of Government with the same analogy as would apply to the existing organization. It is actually going to be a department of Government. If the existing departments could undertake the work, it should have been done, for instance, in the Revenue Department. I might have asked the Honourable Mr. Mead here to do the work; but he has got other important work to do, and we shall have to put on a new department. That department is going to handle development and only development. It is merely a department of Government. I inform honourable members of it because it is a very important feature for co-ordination of all our schemes. I should not like honourable members to be under any misapprehension; it is purely a department of Government.

The Honourable Mr. Phiroze C. Sethna:—We yet know nothing about the details, your Excellency. Admitting that this will be a Government Department, I hope that the suggestions which have fallen from me will be duly considered in regard to this new Government Department being helped by an advisory board.

The Honourable Mr. Purshotamdas Thakurdas:—Your Excellency,—Before I commence my remarks on the bill before the Council, I should like to add my humble voice to the note of appreciation voiced by the previous two speakers in admiration of the bold and statesmanlike scheme which your Excellency's Government has put forward before the Council. The scheme is for Bombay city alone and will benefit Bombay city. Inasmuch as Bombay is the capital city of the Presidency and claims to be the most important port, aye, the gateway of India, I suppose Bombay has the right to count on assistance from other parts of India in financing this scheme. As a citizen of Bombay it may not be quite natural for me to strike a jarring note on this occasion. But I feel, sir, in connection with the remarks which your Excellency made in introducing the bill, that you have referred lightly to the source from which the scheme is going to be financed. Your Excellency will certainly pardon me if I happen to strike a rather discordant note on this occasion. I refer, sir, to clause 3 of the bill before the Council, and this has been explained in the statement of objects and reasons by the Honourable Mr. Curtis, who says—

> "It is proposed to empower the corporation to levy a town duty of one rupee per bale of cotton that comes to Bombay."

In fact, the whole of this scheme is to be financed, if I may say so, at the expense of the cotton cultivators, both of the Bombay Presidency and of those outside districts whose cotton happens to pass through Bombay. I do ask your Excellency's permission to dilate a little on this subject which I am sure will be a question of principle, and an important principle, in the consideration of this bill. The important question is, who is likely to pay this tax of one rupee per bale that the Bombay municipality will levy on cotton that passes through Bombay?—a tax which, speaking in commercial terms, comes to Rs. 2 per candy, the "candy" being the unit of weight in the cotton market. I submit, sir, with all deference that, as long as India is not the principal cotton market of the world, this duty will be coming out of the pockets of the cotton growers. As the Council knows, the biggest cotton growing country in the world is America, with a produce of anywhere up to about 15 million bales. India comes a bad second, with about 5 million bales. The majority of the cotton grown in India has to be exported and the value of the cotton that has to be exported depends upon the value of the American cotton as the standard. If this is the case—and these are bare simple facts—I cannot help feeling, and I hope that the Council also may be convinced of it, that when all is said and done, this duty that will be collected by the Bombay municipality will mean so much loss to the cotton cultivator. I do not know if it is an exploded theory of political economy, but when I was at college, if I remember it rightly, I remember to have read that when a country has a surplus to export, the price of the whole quantity is decided by the price available for the surplus that has to be exported. If this theory has not been exploded since I left college about twenty years back, I submit, sir, that for every bale going out of Bombay—and Bombay at present exports the bulk of the Indian cotton—we shall be paying two rupees less to the Indian cotton grower; and inasmuch as Bombay is the most leading and the first cotton market in the whole of India, it may mean two rupees per

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candy less to our cotton growers. I admit that this may be considered too much of a technical view of the thing. I may be told that cotton fluctuates anywhere from Rs. 200 to Rs. 300 a candy and that it has done so during the last few years. That is true, but may I point out that some cotton which could be sold in 1917-18 and 1918-19 at Rs. 600 per candy is unsaleable to-day at Rs. 150 a candy. The full significance of this point may not have been appreciated when the bill was drafted or when the scheme was under the consideration of Government. As your Excellency may remember, I offered only to strike a discordant note. I do not propose, sir, in the slightest degree to vote against the first reading of the bill. But I do wish that this rather important aspect of the bill should not be overlooked by the Council, and I am very anxious that the Council passing a measure like this should not be quoted in the future as a precedent. I have been told that it is only a weak man's excuse to plead that this may prove to be the thin end of the wedge. I submit, sir, that we may have to plead that it is the thin end of the wedge and I want it to be very emphatically on record that this shall be no precedent to be quoted hereafter.

Most of the cotton that is grown in India finds its way down to Bombay and owing to the enterprise and the boldness of the mercantile community in Bombay, Bombay has got the most important, even though it be a most fluctuating, cotton market in the whole of India. But owing to the general rise in things generally there has been a rise in the charges of handling cotton; cartage, transport charge and godown hire have all gone up, and one way or another the cost of handling cotton has gone up considerably in recent years. Only a few years ago a cotton bale could be handled at a cost of eight to ten annas. You cannot do it to-day under two rupees a bale. I may be told that, if these additional charges have been stood, why not an additional rupee per bale imported into the city? I would only point out that there is open competition between the various mukadum firms, and if these charges for handling cotton are put up, the Council may take it from me that they are put up only when it is absolutely necessary to do so, and not otherwise.

During the four years of the war, owing to various difficulties, especially as regards the supply of wagons and transport facilities, a good deal of cotton found its way from the Central Provinces to Calcutta for export to Japan. It will be satisfactory to know that Karachi is growing as a very important shipping port, and although Bombay need in no way be jealous about it, that is not a matter that can be lost sight of. We have before us the prospect of a broad gauge railway line straight to Karachi, and it is quite possible that if the handling and transit charges at Bombay are avoidably piled up like this, the cotton market in Bombay may suffer in its turnover.

I do not wish to be styled as offering merely destructive criticism. A question may be asked as to the alternative. I take it, sir, that our claim to charge the cotton that comes to Bombay for consumption or export, is, that it is after all Bombay city, and the municipality if you like it, that has built up Bombay, and brought it to its present state of utility. If so, I submit that the same would apply to imports into Bombay from outside. Nobody would like to suggest for such taxation articles necessary for industry or for purposes of life. But surely there can be very little objection, sir, to imposing a duty on motor cars, wines, tobacco, jewellery, etc., and I venture to say that it may have to be imposed, in order to get the rather big sum of Rs. 30,00,000 a year, also on piecegoods from abroad. I was discussing the same subject with a few honourable members of this Council yesterday, and very naturally I asked "Supposing you had a free hand in this matter and you had not to refer to anybody"—that was only a hypothetical suggestion—"Would you tax raw products of the country or the manufactured articles that are imported from outside, a tax which would give some protection to your own local industries." I can easily guess, your Excellency, the probable reasons why this may not have suited Government. Your Excellency has very emphatically put it to us that the whole scheme could not or ought not to be delayed a minute more or a day more than we can possibly help. I am fully aware that the Government of India control the Customs, and if a town duty had to be imposed on articles imported from outside, perhaps some sort of very important discussion would have to be carried on with the Secretary of State, and also with some of the chambers of commerce in England. It is for this reason and on this understanding, sir, that I said that I did not propose, in spite of the remarks that I have made, to oppose the first reading of the bill. But I do wish, and I beg your Excellency's permission to repeat it, that it should be on record that this shall not be considered as a precedent, and that if this is sanctioned by this Council, it is only being sanctioned as a very exceptional step. Personally, I wish that some other substitute could have been

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found for taxation. After all, it is a raw produce of the country, and the return to the cultivators on it is not always uniform, nor has it been anything very big so far.

If the end is not to be taken to justify the means, then in spite of the usefulness of the scheme to finance which this town duty is being put on, I submit that it is not quite correct. At the same time, for considerations which I have just referred to, I would be quite satisfied with a record on the Council minutes of my humble views in this connection.

The Honourable Mr. Munmohundass Ramji:—Your Excellency,—I also rise to support this bill, and join in the congratulations that have been offered to your Excellency by the previous speakers. I congratulate your Excellency because you have taken a very bold and a very wise step in the direction of ameliorating the condition of the people of Bombay. That is a matter which was found, up till now, a very difficult one, and your Excellency's Government is determined, I am glad to say, to tackle it very boldly, and I hope that it will meet with complete success at your Excellency's hands.

Speaking as a member representing the trade and commerce of Bombay, I wish to draw your Excellency's attention to one thing and that is that when these schemes are properly considered, I hope, your Excellency's Government will devote due attention to the expansion and development of trade and commerce in this city. As the Honourable Mr. Sethna has pointed out, the difficulty as regards office accommodation in the fort is getting to such a pitch, that if there was no Rent Act, it would have been impossible for anybody to get office accommodation at all. That is the position in the fort of Bombay, and the same is also the case with regard to the other requirements of trade in the heart of the city. There also the same difficulty is being experienced, and I hope, your Excellency's Government will take into due consideration the future expansion of trade and commerce.

Speaking on the point raised by my honourable friend Mr. Purshotamdas Thakurdas, as to who will pay the tax of Rs. 2 per candy which is proposed by this bill, I think, the consumer will ultimately pay it, and not the cultivator. Of course, so far as the cotton exported from Bombay is concerned, it will be a loss to the cultivator, but so far as consumers in India use this cotton, they will have to find the money to pay this tax. Of course, there is one point—and a very important one—which has to be taken into consideration, and it is this. I am afraid that perhaps this Rs. 2 may act as a means of diverting the trade of Bombay to another port, and if that should happen, we shall have to be very careful about it, and I think, due consideration will have to be paid to this point. Another thing is that the mills will have to pay this tax in the first instance. Bombay mills are using about 11 to 12 lakhs of bales of cotton every year. That means that the duty that will be paid by Bombay mills will be about Rs. 12,00,000. Taking Ahmedabad as our competitor, and a very strong competitor, the industry in Ahmedabad will be benefited to that extent, and therefore, that point has to be taken into consideration also.

The Honourable Mr. Purshotamdas Thakurdas pointed out that instead of taxing cotton we should tax piecegoods. Your Excellency knows that the imported piecegoods are subject to 7½ per cent. Imperial import duty, and if that is increased, it will be the consumers that will have to find that extra duty. With these remarks, I congratulate your Excelleney once more for placing this bill before us.

The Honourable Rao Saheb H. D. Desai:—Your Excellency,—I quite appreciate the value of the great scheme which is at the bottom of this legislation, but the main point with which one coming from the mofussil areas is concerned, is on whom the burden of financing the scheme which is to form part of this bill is going to fall. It is apparent that all the cotton which is imported into Bombay is not consumed in Bombay, and that all the cloth which is manufactured in Bombay is not used in Bombay. Consequently, the chief question with which we are concerned is, granting the value of the great scheme which has been placed before us, whether the proposal to finance it is a sound one or not. If the town duty is to fall on the grower, then it will affect the man in the mofussil, and he will be unjustly dealt with. If it falls on the consumer, then the Indian consumer outside Bombay will have to pay, because all the cloth manufactured in Bombay is not used in Bombay, but goes outside, so that the question is, whether we are wedded to the imposition of town duty on raw cotton in order to finance the scheme, and whether we cannot find any better scheme for the purpose of meeting the expenses or making sufficient provision for paying interest and creating a sinking fund. While appreciating the big scheme, I have my own apprehensions with reference to the incidence of this town duty,

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and I think, if it is possible, it ought to be open to the select committee to consider whether they can devise any other means in order to finance the scheme. Of course, if articles of luxury were taxed, and if they could yield sufficient income, that would be a proper direction in which to look for the money, but I have my own apprehensions with reference to the incidence of the town duty proposed, and I, therefore, place my views before the Council.

His Excellency the President:—I should like to express my thanks to the various honourable members who, apart from minor criticisms of details, have been good enough to congratulate my Government on the attempt they are making to deal with a big reform. My honourable friend Mr. Chunilal Mehta seemed to take something that I had said as being somewhat inappreciative of the efforts of the municipality. I think he need not have done so. When I said, as I do say, that I thought this problem has not in the past been tackled on sufficiently bold and courageous lines, I referred not to the municipality only, but to every other authority that has had to do with it. My Government is, to some extent, to blame. I think, everybody has been unable for various reasons—I do not say it is impossible to do it, but I think it is now necessary—to redress the evil by taking bolder measures than it has been possible to take in the past. And I hope my honourable friend understands that.

One honourable member—I think it was the Honourable Mr. Sethna—wished to know roughly what the acreage of land available in the Back Bay Reclamation Scheme would be. The acreage we expect to get is 1,143 acres. He also said that he would have liked Government to consult various local bodies before introducing this bill. I cannot entirely agree with the honourable member there. In any case it would not have been practicable. I am sure the honourable member will realize the great difficulty there is in dealing with so many authorities as a local government has to deal with, first of all, with itself, then with the Government of India, then with the Secretary of State, and finally with the Treasury. He will thus realize that to get a scheme of this magnitude and so much of detail passed through these four authorities with the intervening series of delays, is a much bigger task and requires a great deal more of telegraphy than some honourable members are aware of. The result of all this was that we received the necessary sanction only a very few days ago, just in time to introduce this measure in the Council, so that we might not be delayed for the whole of another year, or, in practical working, a year and a half. If the sanction had been delayed by a few hours, the Bombay Housing Scheme would have been held up for a year and a half. Therefore, I hope the honourable member will recognize that we could not consult any local authorities until we had obtained the sanction. He will, therefore, understand that the matter is not after all quite so simple as it looks.

Now, the Honourable Mr. Purshotamdas Thakurdas did not look at this problem entirely with the sheriff's eye. He looked at it, and probably very rightly, from the trade point of view. I shall, however, expect him in future to look at such things from the Sheriff of Bombay's point of view, regardless of all trade considerations. But he felt some anxiety, and I feared he was going to embark upon one of the most vexed questions of political economy, as to the incidence of any particular tax. He was bold enough, I think, to hope that the theory which he enunciated and which was in vogue some years ago, has not been exploded. Well, I myself took part in a very complicated economic controversy that engaged the Home Government and the House of Commons, which split the party into fragments at the time of Mr. Joseph Chamberlain. And I should reply to the Honourable Mr. Purshotamdas Thakurdas by saying that I have not the slightest doubt that every theory of political economy has been constantly exploded over and over again within the last 15 years. But I do not entirely share his view as regards the incidence of the tax. After all, the money has to be found from somewhere. The money has to be found in a way that will do as little damage as possible. I am not telling the Council that this way is the most ideal, the most practicable in the world. I think, however, it is the best way that we can manage. As the honourable member himself said, the prices of cotton daily fluctuate within very large sums. He suggested that it was 200 per cent. more than the tax we intended to impose.

The Honourable Mr. Purshotamdas Thakurdas:—What I said was that they did fluctuate, last year and the year before, three or four times.

His Excellency the President:—It would be quite sufficient for my point of argument to show that if they fluctuated three or four times, the incidence of the tax is not going

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to be very serious. He has also begged—by this I suppose he means—that the proposals for any town cess should not form a precedent for future action, on the theory that this is the thin end of the wedge.

The Honourable Mr. Purshotamdas Thakurdas:—It may be easy to enlarge it in future.

His Excellency the President:—I am glad, at any rate, he recognizes that it is a thin end. As regards the future, I cannot give him any pledge or guarantee. But so long as I am in Bombay, I am not likely to undertake another housing scheme of this magnitude. I quite understand his point of view. But I do not think there is much force in the thin end of the wedge argument at all. In any case this is only the first reading of the bill. And then, future Councils will have even more power than they have now, to have their say in all matters. There will be longer discussions; there will be bigger Councils; they will sit more days; and they will see that Government will not find it very easy to get bills through against popular will, so that, I think, he need have no anxiety on that score. One point he has made of some importance, and that is the possible diversion of trade which one rupee per bale may make. I do not know even the Rs. 200 or Rs. 300 per bale would divert the traffic very much. But I can assure the honourable member that we should watch a matter like that with the very closest scrutiny, and if we ask him to do something and support something—not merely not to oppose something but support something boldly for the good of the whole of the Bombay Presidency—he need not run away with the idea that we are going to do something which is going to weaken the prestige or the financial stability of the Bombay Presidency. Any question of diversion of trade from Bombay in an uneconomic or unfair manner would of course have the attention of my Government.....

The Honourable Mr. M. de P. Webb:—We have already a terminal tax on cotton imported into Karachi.

His Excellency the President:—The honourable member is, I suppose, prepared to defend the position in Karachi.

I think I have dealt with most of the points which honourable members have made. I do not think they can find, if they try, any other method of raising the necessary moneys for a reform which nobody in this Council will, I am sure, gainsay, in a way that will do trade or industry, the consumer or the grower, in this country at any rate, less damage than the proposals we have made.

I forgot to mention one point in reply to the Honourable Mr. Sethna. I did intervene to point out that honourable members had not quite appreciated what the Development Department was going to be. I want to reiterate what I then said, and I think, I have no doubt made it clear. Honourable members went on to suggest that the municipal corporation should be represented on the Development Directorate. It was that request or suggestion which drew my attention to the obvious fact that honourable members had entirely failed to appreciate what form of body this was going to be. No corporation or outside authority could be represented on Government as such. What I have stated is that we merely desire our own authority to be as expeditious and efficient as possible. Instead of dealing with any overworked and highly-charged department, we are creating a department of our own, new and up to date, to deal solely with these matters, with no additional powers of interference of any kind. So the request made by honourable members will at once appear to be an unnecessary one.

There was one other matter as to whether we were going to propose to earmark—as I understood the question, correct me if I am not stating it properly—to earmark any of those funds which the corporation were going to receive under the proposed town duty for any specific purposes. You had not, I think, quite understood the situation. It is shortly this, that the corporation has to discharge many obligatory functions and duties which are imposed upon it under the Municipal Act, some of which were referred to in my speech as pointing to a need for a much larger expenditure. Government realize that with the resources the municipality have at present, it is going to become more and more impossible for them to deal with the ever increasing duties which are being imposed upon them in an expeditious and satisfactory manner without an increase of revenue. We do not propose in that sense to earmark these funds at all. You will get so many lakhs. But as our lands get ready and developed, the obligatory duties of providing sanitation or water or roads or whatever it may be, will naturally fall on the local authority in developing the town. We recognize that these things have got to be satisfied by the municipality. It

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is no use our preparing new lands for development if you cannot help to make them habitable, and it is obvious that you must have more revenue when we are assigning so large a proportion of the town cess which we propose to raise. I hope I have made myself quite clear. It is for general purposes merely a recognition of your ever increasing duties and responsibilities and expenditure.

Finally I omitted to give this information to the Council. Some anxiety has recently been expressed as to the future of the Improvement Trust. The matter of the transfer of the Improvement Trust to the corporation is not a matter which can be settled by a stroke of the pen. I quite agree that there has been some delay. The delay was unavoidable. It was due partly to myself—very largely to myself—and will be brought to an end at once, that is to say, the draft of the act has been prepared. It is in its final stages, and as far as I can calculate, although I make no absolute pledge, the transfer of the Improvement Trust to the municipality should take place some time in the early spring, that is, in March next year. That is what it looks like as far as we can see. At a greater speed it could not be done. But the fact that you had a new Governor at the time, and the fact that I had to look round dealing with these large improvement scemes, necessitated some little delay, not any delay on the part of my honourable colleagues but on the part of myself, (I should like to be quite frank), delay in deciding as to whether the transfer was quite right. I came to the conclusion that the original decision was right and should be given effect to promptly. Therefore, there will be no further delays other than those which are absolutely unavoidable. I hope that will satisfy any anxiety which any honourable member may have on the matter.

I think that there are no other points which honourable members have raised, and I will, therefore, ask this Council to give this bill a first reading.

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

The Honourable Mr. G. S. Curtis:—Your Excellency,—I rise to move that the bill be referred to a select committee consisting of the Honourable Sir Dinshaw Petit, the Honourable Mr. Munmohundass Ramji, the Honourable Mr. C. V. Mehta, the Honourable Mr. Purshotamdas Thakurdas, the Honourable Mr. H. P. W. Macnaghten, the Honourable Mr. Phiroze C. Sethna, the Honourable Mr. G. K. Parekh, the Honourable Mr. E. G. Turner, and the mover, with instructions to report by the 1st of September 1920.

The Honourable Mr. Phiroze C. Setha:—May I request, sir, that the time be extended to 15th September 1920?

His Excellency the President:—If that is done, I am afraid it will not be possible to take in the second reading of the bill at the next Council meeting.

Bill referred to a select committee. The motion to refer the bill to a select committee was then put to the vote and carried.

(His Excellency the President at this stage withdrew and the Honourable the Vice-President occupied the chair.)

A Bill further to amend the Bombay Rent (War Restrictions) Act, 1918, and to amend the Bombay Rent (War Restrictions, No. 2) Act, 1918 (Bill No. XI of 1920).

The Honourable the Vice-President (Sir G. Carmichael):—A bill further to amend the Bombay Rent (War Restrictions) Act, 1918, and to amend the Bombay Rent (War Restrictions, No. 2) Act, 1918. Bill No. XI of 1920. The Honourable Mr. Curtis.

The Honourable Mr. G. S. Curtis:—Mr. President,—This bill has been described in the agenda as due for first, second and third readings. In view, however, of suggestions, that have been made to me, I propose to move only the first reading, and suggest that if the first reading is passed in this Council, that it be referred to a select committee.

The Honourable Mr. G. S. Curtis moves the first reading of the bill.

The object of the bill primarily is as stated in the statement of objects and reasons which is on the table.

Clause 2 is to prevent a landlord from recovering possession of any premises on the false plea that the premises are reasonably and *bonâ fide* required for the erection of buildings or for his own occupation or the occupation of any person for whose benefit the premises are held.

Clauses 3 and 4 provide that no distress warrant shall be issued in the case of premises of which the monthly rent does not exceed Rs. 30, and that no suit shall be

RENT BILL—PORT TRUST BILL.

[*Mr. G. S. Curtis; the Vice-President; Mr. Purshotamdas Thakurdas.*] [3RD AUGUST 1920.]

entertained in the case of any premises unless the applicant or the plaintiff, as the case may be, produces an order which will show their standard rent or that they are not small premises. They are defects which have been found by the experience of the Rent Controller and others to require amendment. I therefore propose that this Bill be read a first time.

Bill read a first time.

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

The Honourable Mr. G. S. Curtis :—Mr. President,—As the Council has approved the first reading of the bill, I now rise to propose that it be referred to a select committee composed as follows :—The Honourable Mr. Seddon, the Honourable Sir Dinshaw M. Petit, the Honourable Mr. Parekh, the Honourable Mr. C. V. Mehta, the Honourable Mr. Turner, the Honourable the Advocate General and the mover with instructions to report on the 1st September 1920.

Bill referred to a select committee.

The motion to refer the bill to a select committee was then put to the vote and carried.

A Bill further to amend the Bombay Port Trust Act, 1879 (Bill No. XII of 1920).

The Honourable the Vice-President (Sir G. Carmichael):—A Bill further to amend the Bombay Port Trust Act, 1879, Bill No. XII of 1920. First reading. The Honourable Mr. Curtis.

The Honourable Mr. G. S. Curtis:—Mr. Chairman,—This bill has also been entered in the agenda of this Council as due for first, second and third readings. Suggestions, however, have reached me that some criticism is likely as regards various features of the scheme which the Port Trust is going to carry out. I therefore desire, if the first reading of the bill is carried, to refer it to a select committee in order that the various criticisms may be threshed out in the circumstances. Therefore, subject to the Council's pleasure, I propose that the first reading be taken to-day and that after it has been referred to a select committee, we should take up the further readings of the bill at the next meeting of this Council, which is to be held on September the 27th. The objects and reasons have, I understand, been correctly stated on the paper appended to the bill. The object of the bill is to amend the Port Trust Act in order to give the trustees of the port power to erect and manage hotels both of a temporary and permanent nature which will meet the convenience of ocean-going travellers and thereby increase the facilities of the port. It is a matter of common knowledge that the port is at the present moment singularly deficient in hotel accommodation and that travellers arriving there have to spend their nights on station platforms, on the bunders and similar places for want of space in which to lay their heads. Therefore, in order to remove this inconvenience, it was necessary to place at the disposal of the Port Trust a large part of the building primarily intended for educational purposes. *Prima facie*, therefore, any measures taken by a public body which will increase the convenience available for the public will be welcomed.

The Honourable Mr. G. S. Curtis moves the first reading of the bill.

As to the actual details of the scheme, that is more for the Port Trust than for an honourable member of this Council. But I think that there will be no honourable member of this Council who will differ from me that the conveniences at present provided in Bombay are not such as should be provided in a port of the magnitude of Bombay. Therefore, any action taken by public bodies to increase those conveniences and to enable the city to remedy, what I am almost tempted to call, the disgrace now arising from the lack of facilities for the accommodation of travellers—any measure taken in that direction will be cordially welcomed. With these words I beg to propose the first reading of the bill.

The Honourable Mr. Purshotamdas Thakurdas:—Sir,—I conceive, it would be interesting to the Council to know that this bill has been introduced by Government at the request of the trustees of the port of Bombay. I have the honour to be one of them and had the misfortune to differ from the majority of the Port Trustees when this question came up for discussion before the Port Trust Board in February last. In the ordinary course a trustee of the port, if on the Council, would support any demand that the Port Trust may have made for an amendment or alteration in the existing act. But this bill comes before the Council not unanimously from the Port Trust but by a majority. I do not think it is necessary for me to inform the Council of the constitution of the Port Trust,

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[3RD AUGUST 1920.] [*Mr. Purshotamdas Thakurdas.*]

but, I think, I may mention in passing that in the Port Trust we have sixteen trustees in all, of whom seven are elected, five being from the Bombay Chamber of Commerce and two being from two Indian bodies; one for the Indian Merchants' Chamber and Bureau, and one from the Grain Merchants' Association. The other nine represent the military, H. M.'s Marine, Customs, the Agents of the two railways, the Municipal Commissioner, and three Indians nominated by Government. When this question was discussed by the Port Trustees there was a division, as I said, and the division was that myself with two elected members of the Bombay Chamber of Commerce opposed the Port Trust approaching Government for the purpose of this amendment in the Port Trust Act. I think, I may read to the Council the grounds that I advanced on the Port Trust Board as opposing their resolution. I said that—

"(1) I consider that the first duty of the trustees is to provide facilities for the trade and that they would not be justified in locking up land which might at some future date be required for shipping purposes;

(2) the capital expenditure involved would be at least Rs. 50 lakhs and having regard to the heavy capital expenditure on new works which the Port Trust will have to finance during the next few years, I consider it unwise to undertake this additional liability;

(3) the difficulty of running a hotel on remunerative lines is always considerable, and if the Port Trust undertook the management, they would run a considerable financial risk, once the present temporary scarcity of hotel accommodation disappears."

One of the Port Trustees who voted with me put forward the grounds thus. He pointed out that under normal conditions the passenger season only extends over six months of the year, and he thought it probable that during the other six months the hotel would run at a loss. He pointed out that it would take the Port Trust as long to erect a hotel as if it were done by private enterprise, and he agreed with the arguments already put forward against the locking up of Port Trust funds for this purpose and the appropriation of a site which might be required for other purposes in the future development of the port.

This would, I trust, be sufficient to give the Council an indication as to the grounds on which there was difference of opinion amongst the trustees of the port when this question was decided upon. Now, I think it would be useful to examine what are the existing facilities provided by the Port Trust for ocean-going passengers. After all it is merely stated that powers are to be given to the Port Trust for the purpose of a hotel for the accommodation of ocean-going passengers. I do not know whether the hotel is to be built for ocean-going passengers only, but there is no doubt, as said in the statement of objects and reasons, that the hotel will be for the convenience of ocean-going passengers mainly. Since the completion of the Alexandra Docks we have got the following facilities provided by the Port Trust. We have got the mole station where special trains come in right up to the wharf, whence mail steamers start. The Port Trust have provided rooms at the mole station for the convenience of ocean-going passengers who may not wish to go straight on board a boat from the railway train and may wish to wait for a day or two in Bombay before getting on board a steamer. During the last two years, or rather since the signing of the armistice, it was difficult to get passages and some people who were anxious to get to Europe tried to secure passages of somebody who may be prevented from going, the steamer companies offering such passages at practically the last moment. At that time there was a dearth of hotel accommodation in Bombay and the Port Trust did allow the use of the upper part of the mole station for the purpose of passengers stopping there, and arrangement was made with a caterer so that they could be served there. I do not at all wish to suggest, sir, that this was anything like adequate provision. But my point is that the Port Trust, as far as the port is concerned, has provided facilities by which passengers coming into Bombay need not stop in Bombay at all. If, however, any passengers must stop in Bombay, in view of the dearth of hotel accommodation, the Port Trust has till now done what it could. I submit to the Council that it is not necessary for the Port Trust to put up a hotel. In view of the liability that is ahead of the Port Trust and in view of the fact that a hotel put up at this time may cost a lot, and when within the next five or seven years' things return to the normal, this would not appear to be an opportune time to amend the Port Trust Act as suggested.

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It has been mentioned that in Europe several ports have hotels put up on convenient sites. I suffer from the disability of not having travelled outside India, but I have been making inquiries, and I understand that not only in Europe but in Japan and America, it is the railway companies that put up hotels. I dare say there may be an isolated instance here or there where some Port Commissioners may have put up a hotel. I venture to submit that it is railways in the western countries that are concerned with hotel accommodation and not port authorities. And if the railway companies in India have not thought it necessary to put up hotels, I do not think it is right for the Council to pass this amendment of the act without reference to the commercial bodies that pay for the Port Trust and constitute the Port Trust revenues.

I may say that this question of asking for additional powers from the legislature was decided by the Trustees in last February. There was ample time for Government after that to consult the commercial bodies as to what they thought about the matter. That not having been done, the only opinion that we have before us—I do not know whether it is before honourable members on the table—but what we read in the papers is that the Indian Merchants' Chamber have written to His Excellency protesting against this bill being hurried in this Council.

I submit, sir, that if it is necessary for any public body to put up hotel accommodation, by all means let it do so, and I certainly think that the first duty of that nature lies on the two main railway companies. However, perhaps it may be said that this Council has no control over the railways, and that the control over the railway companies is vested in the Railway Board, and that Bombay wishes to do the best it can out of the resources at its disposal. If that is to be taken as the basis on which to go, I submit that it is not necessary to give the Trustees the power to build a hotel as suggested. The Trustees command vast areas of land which they could lease out either for a lower rent than normal or for a very nominal rent or almost no rent at all. But the reason why this power to build a hotel and to run a hotel is required is, as far as I am able to gather, in order to run a hotel on what is called real first class lines. It becomes necessary that the Port Trust should build, equip and run a hotel. I certainly feel, sir, that that is going too far at the expense of a public body and absolutely too far, when the bodies or persons who pay revenues to the Trust are not even consulted.

The important and urgent works before the Port Trust can be enumerated roughly as follows: To build chawls for labourers and houses for the staff. In this connection I will refer to a question put by the Honourable Sir Dinshaw Manockjee Petit at the meeting of this Council on the 13th of March 1918 when he asked:—

> "Will Government be pleased to state what is the number of employees employed in the Bombay Port Trust drawing a salary of Rs. 40 and under, and have the Port Trust provided quarters for such employees?"

And the reply of Government was:

> "The information asked for by the Honourable Member is available only so far as Port Trust employees drawing Rs. 30 a month and under are concerned. The number of such employees, including those on the temporary staff, is ordinarily about 11,400 and that the Port Trust have provided quarters for 30·6 per cent. of this number."

Now that shows how much remains to be done by the Trustees. Of course this was the state of affairs in 1918. The Chairman of the Port Trust who is here will tell the Council how many more houses have been put up for the labourers. I submit that these are the directions to which the Port Trust ought to turn their attention immediately.

Then there is the new cotton green which is likely to cost a crore and a quarter, and the latest scheme about another dock which is under consideration by the Trustees.

It has been said that there is a lack and dearth of housing accommodation and hotel accommodation in Bombay, and therefore, the Port Trust ought to put up a hotel. An esteemed member of this Council was telling me that there is such a dearth of motor cars and ticca gharies in Bombay that on his way to Poona he could not get a hack victoria or a taxi to take him from Grant Road to Victoria Terminus and he had to go by tram. And might it not, therefore, be suggested that for the convenience of ocean-going passengers the Port Trust ought to provide taxicabs and motor cars? I submit, sir, that in one very substantial direction, the Port Trust could afford facilities for the purpose of hotels being put up. As I said they have land available and they could offer one of these plots to a hotel company. But I do not think that at this stage it is advisable or necessary to give the power asked for by the Trustees by a majority.

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[3RD AUGUST 1920.] [*Mr. Purshotamdas Thakurdas; the Vice-President; Mr. Munmohundass Ramji.*]

I wonder, sir, as this bill is being introduced suspending the usual rules, if I move an amendment, at this stage, whether you would allow my doing so.

The Honourable the Vice-President (Sir G. Carmichael):—I think the bill is quite in order.

The Honourable Mr. Purshotamdas Thakurdas:—The bill was not published in the *Bombay Government Gazette* eighteen days before its introduction, as required by the rules. I should have thought that it was always a matter of courtesy from the chair to allow an amendment in such cases.

The Honourable the Vice-President (Sir G. Carmichael):—Under rule 33 of the Rules for the Conduct of Council Business notice of an amendment must be given. His Excellency has already suspended the operation of rule 32 in connection with this bill and has allowed the bill to be brought before this Council.

The Honourable Mr. Purshotamdas Thakurdas:—This bill was published on the 23rd July and perhaps it was received by honourable members on the 25th, that is, seven days before the meeting of this Council. So there could not be seven days' notice given after the bill was in the hands of the honourable members. I propose therefore,

"That the first reading of this bill be postponed till the September sessions of this Council and that in the meanwhile the bill be referred to the following nine bodies:—The Piecegoods Merchants' Association, the Rice Merchants' Association, the Grain Merchants' Association, the Iron Merchants' Association, the Bombay Chamber of Commerce, the Indian Merchants' Chamber, the Millowners' Association, the Cotton Trade, and the Bombay Trades Association."

The Honourable the Vice-President (Sir G. Carmichael):—I should interpret that as a direct negation of the motion at present before the Council.

The Honourable Mr. Purshotamdas Thakurdas:—I say that the consideration of the first reading of this bill be postponed.

The Honourable Mr. Munmohundass Ramji:—Mr. President,—We have a precedent of this character. When Mr. Patel was in the Council and we were considering the question of commercial suits, it was proposed by me, if I remember rightly, that the consideration be postponed and that the opinions of the different commercial bodies may be obtained in the meantime.

The Honourable Mr. Purshotamdas Thakurdas:—I beg to move a motion that the first reading of this bill be postponed till the September sessions and that in the meantime the bill be sent for opinion to a few leading commercial bodies in Bombay.

The Honourable the Vice-President (Sir G. Carmichael):—I wish to point out with regard to the conditions which the honourable member wishes to attach to his motion that he is not entitled to attach conditions for a motion for the adjournment of business before this Council.

The Honourable Mr. Purshotamdas Thakurdas:—Then I move only the first part of it, namely, that the first reading of this bill be postponed till the September sessions of the Council.

The Honourable the Vice-President (Sir G. Carmichael):—This Council will now adjourn till 11-30 a.m. to-morrow.

The Council then adjourned till 11-30 a.m. on Wednesday, the 4th August 1920.

By order of His Excellency the Honourable the Governor,

G. DAVIS,
Secretary to the Legislative Council of the Governor of Bombay.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

Journal of the Proceedings of the Legislative Council of the Governor of Bombay, assembled under the provisions of the Government of India Act, 1915.

The Council re-assembled on Wednesday, the 4th August 1920, at 11-30 a.m. at the Council Hall, Poona.

PRESENT:

His Excellency Sir GEORGE AMBROSE LLOYD, G.C.I.E., D.S.O., Governor of Bombay, *President.*
The Honourable Sir GEORGE CARMICHAEL, K.C.S.I., I.C.S., *Vice-President.*
The Honourable Mr. G. S. CURTIS, C.S.I., I.C.S.
The Honourable Sir IBRAHIM RAHIMTOOLA, KT., C.I.E.
The Honourable the Advocate General (Sir THOMAS J. STRANGMAN, KT.).
The Honourable Mr. SALEBHOY KARIMJI BARODAWALLA.
The Honourable Mr. DATTATRAYA VENKATESH BELVI.
The Honourable Mr. ALI GOHAR BHUTTO, son of GHULAM MURTAZA, Bar-at-Law.
The Honourable Mr. RUPCHAND BILARAM, LL.B.
The Honourable Mr. P. R. CADELL, C.S.I., C.I.E., I.C.S.
The Honourable Mr. J. G. COVERNTON, C.I.E.
The Honourable Mr. PANDURANG ANANT DEṢAI, LL.B.
The Honourable Rão Sáheb HARILAL DESAIBHAI DESAI, LL.B.
The Honourable Mr. R. E. ENTHOVEN, C.I.E., I.C.S.
The Honourable Major C. FERNANDES, M.D., F.C.P.S., I. M. S.
The Honourable Rão Bahádur SIDDHANATH DHONDDEV GARUD.
The Honourable Dewán Bahádur KASHINATH RAMCHANDRA GODBOLE.
The Honourable Mr. G. W. HATCH, I.C.S.
The Honourable Sheikh GHULAM HUSSEIN HIDAYATALLAH, LL.B.
The Honourable Mr. J. D. JENKINS.
The Honourable Major-General W. E. JENNINGS, M.D., I. M. S.
The Honourable Sardar GULAM JILANI.
The Honourable Mr. BALKRISHNA SITARAM KAMAT.
The Honourable Mr. H. P. W. MACNAGHTEN.
The Honourable Khán Bahádur PIR BAKSH walad MIAN MAHMUD, C.I.E.
The Honourable Mr. P. J. MEAD, C.I.E., I. C. S.
The Honourable Mr. CHUNILAL VIJBHUKHANDAS MEHTA, LL.B.

PORT TRUST BILL.

[*The President; Mr. G. W. Hatch.*] [4TH AUGUST 1920.]

The Honourable Sardar SHRINIWAS COOPOOSWAMI MUDLIAR.
The Honourable Ráo Bahádur VENKATESH SHRINIWAS NAIK.
The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE.
The Honourable Mr. GOKULDAS KAHANDAS PAREKH, LL.B.
The Honourable Mr. ABDUL KADIR *alias* FAKIR MAHOMED walad IBRAHIM KHAN PATHAN.
The Honourable Sir DINSHAW MANOCKJEE PETIT, Bart.
The Honourable Mr. MUNMOHUNDASS RAMJI.
The Honourable Mr. L. ROBERTSON, C.S.I., I.C.S.
The Honourable Ráo Bahádur GANESH KRISHNA SATHE, C.I.E.
The Honourable Mr. C. N. SEDDON, I.C.S.
The Honourable Mr. PHIROZE C. SETHNA, O.B.E.
The Honourable Mr. H. O. B. SHOUBRIDGE, M.Inst.C.E.
The Honourable Mr. PURSHOTAMDAS THAKURDAS, C.I.E., M.B.E.
The Honourable Mr. E. G. TURNER, I.C.S.
The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI.
The Honourable Mr. HARCHANDRAI VISHINDAS, C.I.E., LL.B.
The Honourable Mr. M. DE P. WEBB, C.I.E., C.B.E.

His Excellency the President:—Order, order. A bill further to amend the Bombay Port Trust Act, 1879 (Bill No. XII of 1920). Further discussion on the motion of the Honourable Mr. Purshotamdas Thakurdas to postpone the consideration of the bill to the next session.

The Honourable Mr. G. W. Hatch:—Your Excellency,—The Honourable Mr. Purshotamdas Thakurdas yesterday afternoon complained that this bill had not been referred to local bodies in Bombay for their opinion. I desire to bring to the notice of the Council that the constitution of the Bombay Port Trust provides for the representation of five elected members of the Bombay Chamber of Commerce, and two by such body or bodies as Government shall from time to time select as best representing the interests of the Indian mercantile community. In addition, of the members nominated by Government under present arrangements, two are selected from the municipality. In these circumstances, it will be seen that the Bombay Port Trust is a thoroughly representative body, and I submit that a proposal of this kind, sent up by the Port Trust after due deliberation and considerable discussion extending over several meetings, should be considered by this Council now, and that the suggestion that it is necessary or desirable to refer it back to Bombay and take the opinion of local bodies there, is, in my opinion, purely obstructive, and I hope, will be rejected by this Council. The bill which the trustees have sent up to this Council asks for powers to enable them to construct, maintain and manage such buildings, including hotels, as may, in the opinion of the Board, add to or improve the facilities of the port. There is a subsidiary section to which I will not refer at this stage. Before granting the powers for which we ask, I believe, this Council will require to be satisfied, firstly, that there is a shortage of hotel accommodation and a need for more hotel accommodation for ocean-going passengers; secondly, that it is within the province of the Port Trust to provide that accommodation; and thirdly, that it is within its financial resources.

On the first point I do not propose to say a great deal. In the discussion on the Cotton Duty Bill yesterday, attention was drawn to the fact that people cannot get hotel accommodation in Bombay, and things are going from bad to worse. I have one figure which is rather a remarkable one, and which I would like to put before the Council. It is in the latest report of the Port Officer. He tells me that the number of ocean-going passengers—saloon passengers only and not deck passengers—which arrived in and departed from Bombay, during the twelve months ending 31st March last, was 109,7.7. That is a very remarkable figure.

Of course it will be said that a great many passengers arriving in Bombay do not require hotel accommodation because they go away upcountry at once. But I am quite sure that if in Bombay we had adequate hotel accommodation to offer them, many who now leave by the first train would go to hotels and spend a day or two in Bombay, which would all be to the good of the trade of Bombay. Another point is that ships frequently arrive too late to enable passengers to catch their trains. During the last twelve months we have had many instances in which the Port Trust have been obliged to allow passengers

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[4TH AUGUST 1920.] [*Mr. G. W. Hatch.*]

to remain on board their ship in dock on the night of their arrival. Such an arrangement has involved great trouble and inconvenience and a certain amount of expense in the engagement of a special staff.

The case of the outgoing passengers is still more troublesome. Ships do not always leave on the advertised dates, and passengers coming from upcountry without previously making hotel arrangements, frequently find themselves stranded.

I believe that no further argument is required to prove the proposition that more hotels for ocean-going passengers are necessary in Bombay. I submit that it is the business of the Bombay Port Trust to provide at least one hotel for the accommodation of these passengers, and I will give you my reasons. It is the business of the Port Trust to provide "terminal facilities." "Terminal facilities" may be defined as convenient arrangements for the transfer of passengers and goods between one stage of a journey and another. In so far as a Port Trust provides good terminal facilities, so far is it doing its duty to the public, and it will receive its reward in attracting additional passengers and additional goods. We cannot divorce passengers and goods. We cannot say we will look after merchandise and neglect the merchant. Out of every 20 people that land in Bombay I believe that not less than 19 come to India for some purpose connected with the business or administration of the country. It is our duty to look after them in the same way that we look after the goods that come from overseas; and if we can provide in Bombay better accommodation than is to be found in other ports of India, we shall gain our reward by attracting more passengers. Up to a few years ago the Port Trust had done very little for the ocean-going passengers. Up till a very few years ago passengers were landed over-side in the harbour at all seasons of the year, and people must have compared the facilities that were then existing with those at other ports, very greatly to our disadvantage. Well, we have improved things a great deal since then. We have provided a deep sea pier. We have provided waiting rooms, refreshment rooms and retiring rooms at the Ballard Pier, all of which directly contribute to the convenience of passengers. I am afraid that in the provision of even these facilities we have already gone outside the scope of what is permitted under the act. We, therefore, lie at the mercy of this Council and ask them to legalize what has already been done, by passing this bill. I am sure that public opinion in Bombay will strongly support all that has been already provided for the convenience of ocean-going passengers. As the Honourable Mr. Purshotamdas Thakurdas remarked yesterday, we put a certain number of beds last year in one of the waiting rooms which was divided into cubicles. We turned it in fact into a hotel. I do not think the Council would desire the Port Trust to perpetuate these cubicle arrangements.

I do not think it is possible to argue that a hotel on the Ballard Pier would be anything else than a great convenience and facility for ocean-going passengers passing through Bombay, and it is for this reason that the Port Trustees have come to the conclusion that it is their duty to provide such a hotel.

I now come to my third point: our financial ability. The temptation to dilate upon our resources is very strong, but I shall restrain myself and be content with saying that within the last five years our income has doubled. We now have an income of two crores per annum; and it is still rapidly growing. With such an income can we not run to the expenditure of erecting a hotel? So far we have no plans nor estimates of cost. An eminent architect in Bombay whom we consulted told us that a hotel containing 280 bed-rooms would probably cost us Rs. 50,00,000. We do not know yet what is to be the size of our hotel. We have not fixed upon the exact site yet. We are waiting for this legislation before we can get on with this business. We do not desire to build another Taj nor yet a Ritzn or a Carlton. Our idea is to follow the best model of railway terminus hotel in England. With regard to what we expect to get from it, I may say that we did not ask for a money return when we built the Ballard Pier at an expense of 15 lakhs, nor on the further expenditure we incurred in building the Ballard Station, and providing other facilities for passengers. We are content that these works tend to more convenience and more traffic. Personally, however, I see no reason why a hotel should not prove remunerative. We propose to build on a site that we can use for no other remunerative purpose. Therefore, it will not be necessary to make allowances for the loss of ground-rent. Then, we propose to give it to outside management. We do not propose to manage it ourselves. The power to manage that we are asking for is merely a safeguard to be used in the last resort and temporarily if outside management fails, for the time being. If we secure good management, I do not think the hotel will be anything but a success. But the Port Trustees will not be profiteers. They will be content with a small return, and they will cater first and last, and all the time, for the ocean-going passenger.

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I noted the Honourable Mr. Purshotamdas Thakurdas made a suggestion that the Port Trust should provide a site and allow a syndicate to build a hotel. This suggestion of the Honourable Mr. Purshotamdas was carefully considered by the Port Trustees. Assuming that the hotel is to be on the Ballard Pier—and it should be there and nowhere else if it is to do its duty properly for the ocean-going passenger—we decided that we could not afford to allow an outside body to come there; that it was our duty as Trustees of the Port to retain full control over any building going up within the area of the docks. That was the reason why we were not prepared to entertain the proposal. The Honourable Mr. Purshotamdas Thakurdas further asked what the Port Trust have done since 1918 to house their own staff. This is perhaps hardly a relevant enquiry. But I have the information here, contained in an answer prepared in reply to a question put to Government by an honourable member of this Council. The amount expended by the Port Trust on building residential quarters since the 1st of April 1918, including those under construction is Rs. 21,23,763; while at the present time there are under construction quarters for 52 superior and for 1,720 inferior employees. That, I trust, the Council will consider a satisfactory answer to the question as to what we are doing for our own employees.

There is one last point. The suggestion has been made that this proposal is a novel one, and I have been asked by various people whether any other Port Trust in the world has so far built a hotel. Well, I do not know. I have not made enquiries. It would take a good deal of time to write to all the Port Trusts in the world and to get their reply. But so far as England is concerned, my information is that no Port Trust has a hotel. There the railway companies have provided hotels wherever they are required. Why they have not done so in India, I do not know. Sir Lawless Hepper, who, I may mention as one of our Trustees, is one of the keenest supporters of this hotel proposition, told us that he had himself proposed to his own Board that the G. I. P. Railway should build a hotel, but without success. I say that if the railway companies have not done it, this is an additional argument why the Port Trust should do it. To revert to the English analogy. It is quite clear to my mind that if for example the North-Western Railway had not built their big hotel at Liverpool, then the authorities of that port would have been compelled to do so. The proposal may be a novel one. I rather hope it is. For, I do not believe for one moment that this Council will be deterred by its novelty from allowing Bombay the privilege of giving a lead in this matter to the other great ports of the world.

The Honourable Rao Saheb H. D. Desai:—Your Excellency,—I feel inclined to think that the proposed amendment is open to serious objection. It was said just now by the Honourable Mr. Hatch that public opinion in Bombay would be very likely in favour of the amendment. The bill was published on the 23rd of July, and it is only about ten days that it was before the public. Consequently there was not sufficient time for the public to express an opinion upon this subject, and I respectfully submit that the public have a right in this matter to express an opinion, because the Port Trust securities and Port Trust bonds and debentures are recognized securities under the Trust Act, and people have been investing in those securities very largely. Consequently it is a matter which certainly concerns the public very much. It concerns not only the commercial community but it concerns the investing public very much, and it is therefore, a question whether it would be proper to allow the Port Trust power to embark upon a catering business of this sort.

In 1879, when the principal act was passed it was a time when it could have been rightly considered that the facilities in Bombay for ocean-going passengers were insufficient and that some accommodation was necessary. But we cannot say the same thing now after about 31 years. Private enterprise has since then come into the field and consequently it is very inopportune at the present day to think of allowing the Port Trust to embark upon hotel catering when, as has been frankly admitted by the honourable speaker who preceded me (the Honourable Mr. Hatch), it will be practically giving a lead to the other Trusts in this matter.

It was said that terminal facilities is a part of the duties of the Port Trust. But if they were so, we would have found something in the principal act about it. But we do not find anything in section 68 which refers to the works to be executed under the act, and I think that the framers of that act were particularly wise in not authorizing the Port Trust power to embark upon business which may turn out to be profitable or unprofitable. In this matter if the business is profitable then private agency would go in for it. If it is unprofitable then the Port Trust may not be allowed to take to it. And as regards the point whether it would be profitable or not, the Honourable Mr. Hatch, Chairman of the Port Trust, was not able to say positively that it would turn out to be so.

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Of course it is one thing to provide building sites for a hotel or waiting rooms being provided somewhere near the pier. But to take power to equip and run a hotel is certainly a matter for serious consideration of this Council, and I hope, honourable members of this Council would pause and consider whether it would be right to give such a power in this case.

The Honourable Mr. Phiroze C. Sethna :—Your Excellency,—The object of this bill is to enable the Port Trust to construct buildings including hotels in order to improve the facilities of the port. It has been questioned by my honourable friend, Mr. Purshotamdas Thakurdas, if the building of a hotel can be considered legitimately to come within the sphere of work of a Port Trust and whether it could be said to improve the facilities of the port. The more people we are able to get from overseas to this city the more they contribute to the enhancement of its trade. And Bombay so far has proved to be the chief port in India for ocean-going passengers. A fair percentage of these passengers consists of trade representatives.

The Honourable Mr. Hatch has given interesting figures. He has told us that in the year ending 31st March 1920 there arrived and departed from Bombay 109,707 ocean-going passengers and a little later in his speech he told us that 90 per cent. of this number were trade representatives.

The Honourable Mr. G. W. Hatch :—May I correct the honourable member? My information was that probably 19 out of 20 represented business interests or administration.

The Honourable Mr. Phiroze C. Sethna :—I am surprised at this estimate of 95 per cent. of the ocean-going passengers being reckoned as connected with trade.

The Honourable Mr. G. W. Hatch :—I suggested trade and also the administration of this country.

The Honourable Mr. Phiroze C. Sethna :—Again I dispute the statement that 95 per cent. represent business interests and interests representing the administration of the country. I consider the estimate to be very extravagant. However that is beside the point.

I do say that the Port Trust ought to afford facilities to the trade, for if the trade representatives cut out Bombay from their itinerary and land or depart from other ports, say Colombo, Madras or Calcutta, then, sir, they will be conferring an advantage on those ports which really ought to come to us.

Now, sir, much has been said to-day as also yesterday with regard to the shortage of hotels in Bombay. Perhaps no one knows it better than some mofussil members of this Council, for if I remember rightly at the last December sessions, some of the mofussil honourable members had to stay away from the Council meeting just because no hotel in Bombay could offer them accommodation. Whether there are more hotels in Bombay or not, the Bombay Port Trust will be rendering a service to the ocean-going passengers arriving and departing, if they can provide them with a roof over their heads for the short time that they must perforce stay in the city before their steamers arrive and depart, and the people that pass through the city necessarily mean more money to the city.

The Honourable Mr. Purshotamdas Thakurdas observed that terminal hotels come properly within the sphere of work of the railway companies. The Honourable Mr. Hatch has already dwelt upon that point. I would say that when railway companies in Europe provide such hotels, it is generally because more than one railway traverses the same district and it is to draw custom that railway lines put up hotels to compete with one another. Following the same line of argument, we might well say that the Port Trust of Bombay in competition with other Port Trusts in India, might very well provide a hotel to meet the wants of trade representatives. And therefore the Port Trust if it puts up a hotel will certainly contribute to improve its trade facilities.

But, your Excellency, while so far I am strongly in favour of the Port Trust putting up a hotel to meet the requirements of the trade representatives, I am equally strong in the conviction that the Port Trust should by no means lose money over the project. My honourable friend Mr. Hatch, who is the Chairman of the Port Trust, has told us just now that there is no idea of putting up a hotel which will be a Taj, a Ritz or a Carlton. This, sir, to my knowledge is the first time that I have had an admission from the honourable member to that effect, for all along in the course of discussions in the Port Trust meetings he has advocated a large hotel and the very best of its kind in Bombay.

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Then, sir, the Honourable Mr. Hatch told us at first that we have not decided upon any site, but again a little later in his speech he said that we propose to build upon a particular site. I think therefore I am perfectly entitled to offer remarks in regard to that site. I contend that if the Port Trust is at all to build a hotel it must be within a stone's throw of the Ballard Pier. It is no use for the Port Trust to build a hotel at any distance from the pier. If that be the intention and if a hotel is to be started by the Port Trust because there is a scarcity of hotels in the city, then the Port Trust has many plots at a distance from the pier which it can lease out for hotel purposes at less than the prevailing rates, and thus help the city in the matter of shortage of hotels. So far as this bill is concerned the Council will understand that a hotel built by the Port Trust will not be of much use for the purpose for which it is intended, unless it is right at or very near the Ballard Pier.

Now, sir, the Council may be aware that the Port Trust has an area known as the Ballard Pier Estate, and it was a positive mistake on our part not to have foreseen the present situation by reserving two or three contiguous plots on that estate for a hotel immediately outside the Ballard Pier. That of course is not possible now, because all the sites except two have been disposed of, and these two sites do not adjoin one another, and each by itself is not large enough for a fair size hotel. They are, therefore, out of question. This will show that we are left with only the one site to which my honourable friend, Mr. Hatch, referred. I would like to say a word or two in regard to this site. It runs parallel to the Ballard Pier Station. It is 560 feet in length and 150 feet in breadth. Its area is, therefore, about 9,300 square yards. If the hotel is to be built of the size which the Port Trust contemplate, namely, consisting of 284 rooms, then, it must take up the whole of this site, and I may add that the entire ground floor is to be reserved for customs purposes. The public rooms and the bed-rooms will all have to be located on the upper floor.

His Excellency the President:—The honourable member must not indulge in a complete discussion of the details of the proposal. We are now discussing the motion for adjournment.

The Honourable Mr. Phiroze C. Sethna:—Do I understand, your Excellency, that I shall be entitled to speak on the details again?

His Excellency the President:—The honourable member would certainly be entitled to speak on the main bill. We have now got the motion for adjournment before us. But the honourable member has already referred to the question of site.

The Honourable Mr. Phiroze C. Sethna:—I thought, sir, that it would perhaps help if I gave some details now.

His Excellency the President:—The honourable member is perfectly entitled, I have already said, to refer to the question of the site in a general way. I have already told the honourable member that some latitude will be given in discussing the question of site.

The Honourable Mr. Phiroze C. Sethna:—Then, in brief, I want to point out that if that site is selected—and that is the only site available—there will be serious congestion at Ballard Pier, and a hotel there will seriously interfere with the convenience of ocean-going passengers. Again, sir, what is more to the point is that several heads of departments of the Port Trust are themselves very greatly against the use of this site for a hotel, because they contend that it is bound to be required for other Port Trust requirements. The Honourable Mr. Hatch has said that the cost of building a hotel is estimated to be Rs. 50,00,000. But going more carefully into the figures, I come to the conclusion that Rs. 50,00,000 will not enable us to put up a hotel of the size and kind that has been advocated, and particularly advocated by the chairman himself. If the building is to cost 50 lakhs, they would have to provide for interest charges, sinking fund, etc., of about 4 lakhs a year. Four lakhs a year would mean Rs. 33,000 a month or Rs. 1,100 a day. Therefore, as the Honourable the Chairman of the Port Trust expects to lease out the hotel to a company, that company will have to collect Rs. 1,100 a day from the number of visitors staying in the hotel. If there are 284 single and double rooms, and assuming the average number of visitors is 250 per day, the hotel company will have to collect Rs. 4-8-0 a day per head from their customers just for the rent of the building. Now, sir, the day has long gone past when one could expect to get a room in a Bombay hotel on Rs. 5, 6 or 7 per day inclusive of all charges.

His Excellency the President:—Order, order. I have already pointed out to honourable members that this is not the correct or appropriate opportunity for an honourable member to go into any very close detail. The honourable member must confine himself to the main question which is now before the Council, which is, whether the first reading of the bill should be taken up now or postponed till the next session. He should not go into any details.

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The Honourable Mr. Phiroze C. Sethna :—If that is your Excellency's ruling, I shall certainly abide by it. While I strongly advocate the starting of a hotel to help the trade representatives, I regret, sir, that in the absence of further details and in the absence of figures to show that the hotel will be a paying proposition, I shall not be able to support the bill, but I will certainly vote against the amendment.

The Honourable Sheikh Ghulam Hussein Hidayatallah :—Your Excellency,—The point before the Council is whether the bill be read for the first time or be adjourned till the next session of the Council. Now my honourable friend Mr. Purshotamdas Thakurdas has moved an amendment that it be postponed on the ground, first, that under rule 32 of the rules for the conduct of Council business, eighteen days' clear notice has not been given on the part of Government, and that Government has suspended that rule, and has given a notice of only nine or ten days. But in the same rules I find that for an amendment seven clear days' notice is necessary, while my honourable friend Mr. Purshotamdas Thakurdas himself also has not given proper notice for an amendment. But it might be said that if the rule is going to be suspended in favour of Government, it might have also been suspended in favour of the amendment.

His Excellency the President :—Order, order. I can make clear the point of the honourable member. This is not an amendment but a motion. An amendment requires notice, a motion does not.

The Honourable Sheikh Ghulam Hussein Hidayatallah :—Then, I understand that my honourable friend Mr. Purshotamdas Thakurdas has proposed a motion under rule 7 that the matter be postponed.

Now about this bill, the initiative has come from the Port Trust that they should be vested with the powers of building a hotel, and we have been told in this Council by the chairman of the Port Trust that that body is a representative body and they ask for permission to build a hotel for the ocean-going passengers. It has been admitted on all hands that there is a great dearth of hotel accommodation. No doubt the ocean-going passengers must be finding great inconvenience as we members of this Council do find when we go to Bombay. Therefore, it is very necessary for the Port Trust to build a hotel for the ocean-going passengers.

The other points, whether 50 lakhs will be spent or 20 lakhs, and whether it would pay the Port Trust to build a hotel or not, are matters of detail, and as I think, the bill is going to be referred to a select committee, these matters might be discussed there. No doubt it is very necessary that the opinion of the public of Bombay should be invited, but as the matter is going to be referred to a select committee, I think, the public will have sufficient time to send their opinions, and the bill will be sufficiently advertised in the meantime. If anybody has to offer any criticism, it will come before the select committee, and the select committee will give full consideration to it.

The Honourable Mr. M. de P. Webb :—Your Excellency,—Were I to speak and act solely in the interests of the constituency whom I represent, I should most strongly support this motion, and I should vote in favour of the rejection of the bill, because I am perfectly confident that any delay in providing more hotel accommodation in Bombay will react in favour of Karachi. There is no question whatever about the lack of accommodation in Bombay, but I should like nevertheless, to mention one little incident which happened to me only a few months ago. I arrived from England in Bombay, and, with several friends who had not before visited this country, spent a whole day in walking around Bombay searching for sleeping accommodation. Finding it quite impossible to secure rooms at any of the hotels in Bombay, I was forced to take my friends with me on to Karachi, where I kept them for a week or ten days, and then returned them by the next steamer to Bombay just in time for them to catch their boat to Mombasa! Now I suggest, sir, that this is very ominous. If people nowadays have to go from Bombay to Karachi for hotel accommodation, the time may not be far distant when passengers may elect to travel *vid* Karachi rather than *vid* Bombay, and I entirely concur with the view expressed by the Honourable Mr. Hatch that where the passengers go the trade may go, too. I confess I am quite at a loss to understand the apprehension felt by some honourable members with regard to the extra powers which it is proposed to give to the Bombay Port Trust by the bill before the Council. Why it should be assumed that a body of trustees who include in their number some of the leading commercial lights of Bombay, and who at present administer properties worth several crores of rupees, should come to grief if they attempt a relatively small work of a kind involving a few lakhs of rupees, entirely passes my comprehension. Hotel accommodation is urgently needed in Bombay and the Bombay Port Trust are quite an appropriate body for providing that accommodation. The Honourable Mr. Hatch mentioned that he knew of no Port Trust

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in the world that provided hotel accommodation, but I believe, it is a fact that in some ports in the United Kingdom where the railways are themselves the port authorities, hotels are provided by these port authorities. It seems to me that there are good grounds for doing similarly in Bombay; and therefore, taking the wider view (and not purely the Karachi view), I shall vote against this motion, sir, and support the bill.

The Honourable Mr. Rupchand Bilaram :—Your Excellency,—The Honourable Mr. Hatch admitted that this was a novel proposition. It was also very clear from the statement made by him that this new project was going to cost 50 lakhs or over in order to provide accommodation for about 200 passengers. These two grounds themselves, I submit, are sufficient for giving more time to members of this Council to consider whether they should allow the 50 lakhs of rupees to be spent on a hotel. Then, we have heard from the Honourable Mr. Sethna that there is some dispute about the site and that the only site in the vicinity of the Ballard Pier suited for a hotel may not be available. That is another good ground for adjourning this bill to the next sitting. But, in addition to that, there are other grounds which I submit should also be taken into consideration, in not hurrying through this bill. In the first place, I think, I am right in saying that pre-war hotel accommodation was quite sufficient and the supply was equal to the demand.....

An honourable member:—No, no.

The Honourable Mr. Rupchand Bilaram :—I am told no. It is quite possible that pre-war accommodation was not sufficient, but any way there was not such dearth of accommodation in 1914 and 1915 as now. No doubt after the war there may have been serious inconveniences, but there have been serious inconveniences not only in the matter of hotel accommodation but in every sphere of life. We have put up with such inconveniences and I think we could easily do so for another year and see if private enterprise will not supply that demand which is now wanted. Any way the Bombayites are known as philanthropists and several of them have contributed to the construction of a first class hotel, the Taj Mahal Hotel. They will, therefore, I am sure, not lag behind in providing accommodation for passengers when there is such a great demand for one.

The Honourable Mr. Webb said that if he were speaking only in the interests of Karachi, he would oppose the motion for the first reading of the bill, but he thinks it right to support it in the public interests and the interests of Bombay. I cannot agree with the Honourable Mr. Webb, my reason being that the Port Trust is a quasi-Government body and it should not interfere, as far as possible, with private enterprise unless it is absolutely necessary. The Karachi Port Trust has given on lease a site near the Karachi wharf on which, I believe, there is going to be built a hotel through the exertions of the Honourable Mr. Webb, and a similar thing could easily be done here. The Port Trust is, as I said, a quasi-Government body vested with special powers, as we find, for instance, in section 87 of the act, which provides that :

"No suit or other proceeding shall be commenced against any person for anything done, or purporting to have been done, in pursuance of this Act, without giving to such person one month's previous notice in writing of the intended suit or other proceeding, and of the cause thereof, nor after six months from the accrual of the cause of such suit or other proceeding.

"The Board shall not be responsible for any misfeasance, malfeasance or non-feasance of any officer or servant appointed under this Act".....

And further down,

"Nor shall the Board, or any of the said officers or servants, be liable in damages for any act *bona fide* done, or ordered to be done, by them in pursuance of this Act".

There are other provisions also providing special powers and exemptions from liability. Now, surely, if the Port Trust is going to take upon itself the business of catering for a hotel, these provisions of the act require reconsideration, and it cannot be said that every servant of such a hotel or every hotel manager can claim exemption under section 87 of the Port Trust Act.

I have noticed the proposed amendment of section 21, in the bill, but that amendment does not at all deal with section 87, though it provides that, for purposes of sections 22 and 23 hotel employees would not be considered as servants.

Then there is another thing also which I should like to be taken into consideration. We find that the amendment which is being proposed is being proposed by inserting a clause in section 68 of the act. Section 68 is headed as "Works," and it is intended by the insertion of clause (7A) to authorize the Port Trust to construct, equip, maintain and manage buildings. We have also got there the words "including hotels". Of

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course, I see from the statement of objects and reasons of the bill that the object of the bill is to allow the Port Trust to carry on a hotel. But I am not sure if the words used in the clause in question are wide enough to attain the intended object, appearing as they do under the heading "Works". I do not know whether the intention would at all be carried out, and whether or not these words "including hotels" following the word "buildings" would authorize the Port Trust to carry on a hotel. These are all considerations which should be taken into account, and if this bill had been published before, and members of this Council had time to consider it properly, they might have made certain suggestions for amendments. Taking into considertion the objects of this bill and the amount which is intended to be spent if the bill is passed, the first reading of this bill should, in my opinion, be postponed to the next sitting of the Council.

The Honourable Mr. H. P. W. Macnaghten:—Your Excellency,—I rise to oppose this motion for adjournment, as my constituents are most anxious that there should be no delay in providing proper hotel accommodation in Bombay. After what previous honourable members have said, I do not think it necessary to enlarge upon the inadequacy of the present hotel accommodation. After the Honourable Mr. Webb's moving speech, there is nothing more to be said on the subject, except that I belive a certain officer not so ingenious as th Honourable Mr. Webb, was driven, for want of hotel accommodation, to accept the hospitality of His Majesty in a police cell. This, your Excellency, is due to the amount of travelling in India of the residents, whether Indian or European. We have not yet had an influx of visitors into India such as we may reasonably hope to welcome in the course of the next few years.

The Honourable Mr. Purshotamdas Thakurdas gave us, I think, to understand that it is best for all concerned that passengers passing through Bombay should step direct from the steamer to the train, and be whisked upcountry to their destination, with as little delay as possible. I am afraid that I am not capable of the cynicism which describes every visitor to the country as a globe-trotter, and does as little as possible to make him welcome. I am proud of the Presidency town in which I and my family have been resident for five generations, and I should like everybody to have an opportunity of finding himself welcomed in Bombay to share my admiration for the city. I want Bombay to extend a welcome to all the world, the East and the West, and not to look upon itself as a necessary but unpleasant halting place by the way. For this purpose, Bombay needs a growing supply of hotel accommodation. So far from that being the case, I think, the last two years have seen the closing down of at least one first class h tel, and I believe, encroachment is contemplated on another hotel. The reason is obvious. At present, the building of hotels in Bombay is a dual speculation. It is very doubtful whether it is worth while, under the present conditions of the prices of both land and building material, to contemplate the expenditure of Rs. 500 or Rs. 600 a square yard for your building site, and to build a hotel upon that, and for that reason both private syndicates and the railway companies who, I agree with honourable members, are the people to whom one would otherwise look for the building of hotels, have been deterred from building by the fact of the very great cost of the land, which makes a hotel a very doubtful speculation. The best sites in Bombay are still in the possession of the Port Trust, and the Port Trust finds itself in a dilemma. If a hotel is needed, it can only either build one departmentally for itself, or cede the land at a price very much below the present market rate as a concession to some private syndicate. Of the two alternatives, your Excellency, I consider that the maintaining of a hotel departmentally is the best. I do not like the idea of giving as a favour to any private syndicate or even to any railway company a large block of land at very much below the market price, for an indefinite period. Therefore, your Excellency, it seems to me that the only alternative that we can adopt is to support this bill, and give the Port Trust the power of maintaining a hotel departmentally. I am sorry that there is going to be the delay that appears now to be inevitable, because I should have wished that some temporary accommodation would have been made available for the coming cold weather. That appears, by the postponement of this bill to the September session, to be now out of the question. I am very reluctant that this bill should be postponed, after the first reading, to the September session, in the interests of my constituents.

The Honourable Mr. C. V. Mehta:—Your Excellency,—I do not refer to the question of the site except only in so far as to say that the docks manager, the port officer and the chief engineer of the Bombay Port Trust have declared that they were opposed to the using of this site for a hotel. I was not, sir, a member of the Bombay Port Trust.....

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The Honourable Mr. M. de P. Webb :—Your Excellency,—On a point of order, are we to listen to the details of this proposed hypothetical hotel on a motion that this bill be postponed to the September session?

His Excellency the President:—I thought it desirable to allow the Honourable Mr. Hatch to go into some small detail in order that honourable members might appreciate the issues as to whether this bill should be postponed or not. But it would not be in order for the honourable member to traverse very far. I propose to allow the same latitude to every honourable member, but not more.

The Honourable Mr. C. V. Mehta :—Your Excellency,—I did not propose to go into details. What I was going to say was this. I was not a member of the Port Trust at the time this question was discussed. But the Honourable Mr. Hatch has characterized the motion as obstructive, and he has done so because he thinks that the advice of the public bodies in Bombay has already been obtained. Now, I was looking at the minutes of the Trust, and I think it will be very interesting to hear what the Honourable Mr. Froom, who is now, I understand, the chairman of the European Chamber, said on this point.

His Excellency the President :—Order, order. The honourable member has not yet advanced one single reason why this bill should or should not be postponed. I am afraid I must ask him to confine himself to the motion before the Council.

The Honourable Mr. C. V. Mehta:—My point, sir, is that we have not had the opinion of the various bodies in Bombay. For instance, we have not obtained the opinion of the Cotton Trades Association which is not represented on the Trust, nor of the Piecegoods Merchants' Association, which is also not represented on the Port Trust.

The Honourable Mr. G. S. Curtis:—Is not the Honourable Mr. Purshotamdas Thakurdas a member of the Port Trust?

The Honourable Mr. C. V. Mehta :—Yes, your Excellency, but the Honourable Mr. Purshotamdas Thakurdas represents just now the Indian Merchants' Chamber and Bureau.

Similarly, sir, when it was stated that the European Chamber have expressed their views in favour of this proposal, I was attempting to state the opinion of the Honourable Mr. Froom. He pointed out that under normal conditions, the passenger season only extended over six months of the year, and that during the other six months, it would probably be a losing concern, and he agreed to the arguments already put forward against the allotting of the Port Trust funds for this purpose, and the appropriation of a site which might be required.....

His Excellency the President:—The honourable member is now going entirely into new considerations, which are germane to the general discussion, and may be taken either on the second reading or in committee, and I cannot allow him to introduce new facts on the motion before the Council.

The Honourable Mr. C. V. Mehta :—The views of the various bodies require to be ascertained before we can raise a definite issue whether these additional powers which the Port Trust requires are to be given to them. I would refer, sir, to the point that a large amount of the Port Trust funds would be locked up if these powers were given to it, and I would like to mention the amounts that the Port Trust have spent up to now, on the housing of its employees. The figures are somewhat instructive. Rs. 16,26,000 have been spent on housing 387 of the superior officers out of 1,989, which is about 18 per cent. Another Rs. 16,89,000 have been spent on housing 3,826 of the inferior staff which amounts to 1,375, that is to say, about 28 per cent. It is a matter for consideration whether the Port Trust ought not now to spend much larger sums on the housing of its employees than it has done so far, and I submit that the Rs. 50,00,000 which it is proposed to spend on the hotel would scarcely provide for half of the staff that is at present unhoused. I think, sir, that it would be an advantage to obtain the views of the various bodies, and if I am not mistaken, I think, the Agent of the B. B. & C. I. Railway is contemplating the putting up of a hotel for the railway. The public get far too little consideration and far too few facilities from the Railway Board, and I think, it is up to them to provide hotel accommodation, rather than for the Port Trust. It has been stated that ocean-going passengers are to be provided for first, last, and all the time. Now, if the hotel is going to be a financial success, then there will be no necessity for the Port Trust to obtain these powers, for private enterprise will come

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forward. If, on the other hand, the hotel is going to be run at a loss, I do not see why, for ocean-going passengers who come from all parts of the country, it should be provided at the expense of the Bombay trade alone. I wish to point out, sir, the facilities will be enjoyed by passengers who travel to all parts of the country, and I think, sir, that if the hotel is going to be run at a loss, surely the trade of Bombay ought not to be made solely to bear it. The railway companies may very well be called upon to do so, because they are practically nationalized. I support the motion for a postponement of this bill.

The Honourable Mr. G. K. Parekh:—Your Excellency,—I support the motion which my friend the Honourable Mr. Purshotamdas Thakurdas has brought forward for postponing the consideration of this bill. So far as this Council is concerned, the position is this. In less than five months there will be a body which will replace this Council and do the work of legislation in its place. That body will be far more representative of the views of the people than this Council. And here we are dealing with the property of a very important trust. I should, therefore, think it is desirable that the matter should be dealt with by a body which represents the sense of the whole province, rather than by a body which is not so representative. The matter is in no sense urgent.

The other point that I submit for the consideration of the Council is, that several members of this Council who are able to judge in the matter, do consider that it is very doubtful whether under the present circumstances the concern will be paying or not. It will not be right that a body like the Port Trust should be given powers which, instead of improving the financial condition of the Trust, may affect it injuriously, and particulary when the facilities to be provided for are principally for the benefit of one section of the community in which the other communities will participate to a very small extent.

For these reasons I support the motion for postponing the consideration of the bill.

The Honourable Mr. B. S. Kamat:—Your Excellency,—I rise to support the motion of my friend the Honourable Mr. Purshotamdas Thakurdas for postponing the consideration of this bill. In the first place, I think, Government have made a rule that a bill should be published in the *Bombay Government Gazette*, 18 clear days before the meeting of the Council at which it is to be considered. It is not for the Council, therefore, to say why the consideration of this bill should not be taken up at this meeting; it is for Government to say why it should be taken up to-day when the bill has not been published as required by rules. And as Government have not discharged the onus of doing so, I do not think it is right that they should rush this bill through in such hot haste at this meeting. Well, the only reason that is given us for urgency is that there is a great deal of inconvenience experienced by ocean-going passengers. Surely, that inconvenience is going on for a long time and it can wait for about seven weeks more. If the ocean-going passengers have been put to any inconvenience so long, they can put up with it for seven weeks more when the consideration of the bill may be taken up at the September session.

Then, the Honourable Mr. Hatch, while speaking on the motion to postpone the first reading of the bill, said there was no necessity whatsoever to consult other local bodies in Bombay as suggested by the Honourable Mr. Purshotamdas Thakurdas, for the simple reason that the Port Trust Board contains members representing these bodies. I believe that is a fallacious argument. This Council also is representative of all the bodies of the Presidency, of commerce, of territorial divisions, of the University and so on. But before we discuss bills here, it is required that the bills should be published for general information. Is it then an argument to say that there is no necessity whatsoever to publish a particular bill for the simple reason that there are representatives of each and every constituency on the Council? If it is absolutely necessary for Government to publish a bill for the general information of the public, despite the fact that we have representatives of all bodies here, it is equally necessary to follow the same rule in the Port Trust in the present case also, in spite of the fact that there might be representatives of the municipality and commerce on the Port Trust Board. Thus, I have shown that the argument put forward by the Honourable Mr. Hatch is a fallacious and unsound one.

The real consideration before us is, whether the bill ought to be taken up to-day. Well, I should first like to ask whether the Port Trust has exhausted every possible remedy for meeting the inconveniences caused to the ocean-going passengers before asking for the powers which the bill will give them? I endorse all the remarks which

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fell from the previous speakers in opposing the bill. I am not at all satisfied with what has been stated by the Honourable Mr. Hatch. We want to know whether the Port Trust has tried every other remedy and failed. For instance, he has told us that Sir Lawless Hepper pressed his Railway Board to build a hotel. Have Government, as Government, put some sort of pressure on the Railway Company to build a hotel? It is one thing for Sir Lawless Hepper to say that he approached the G. I. P. Railway Board several times but without success, and it is entirely a different thing whether Government, as Government, has approached the G. I. P. Railway and pressed on them the necessity of building a hotel in the interests of ocean-going passengers.....

His Excellency the President:—Perhaps the honourable member's argument will be cut short if I answer him that I have put pressure upon the Railway Board in the matter.

The Honourable Mr. B. S. Kamat:—I thank your Excellency for the information. The Honourable Mr. Hatch, however, did not mention this point.

Well, we want to know whether the Port Trust has approached private enterprise and ascertained whether they are able and willing to build a hotel. If the Trust had done so, we should be in a position to know whether we should empower them to go in for private buildings and for hotel accommodation.

Lastly, there is one more reason why we want time. The Honourable Mr. Hatch never told us whether he had gone closely into the estimates of the hotel. He told us that some distinguished architect had estimated that it would be a few lakhs of rupees. Surely, the Legislative Council should not empower the Port Trust, should not give a *carte blanche* to them to go in for any building for a hotel, the estimates of which have not been tested. And we want time for the simple reason, as I have said, that we want to know whether every other remedy has been tried by the Port Trust to meet the inconvenience of ocean-going passengers.

There is only one more point which I wish to make. The previous speakers have dilated upon the great inconvenience felt by the ocean-going passengers. Surely it is a great inconvenience I know. One honourable member gave us anecdotes of the sorts of inconveniences experienced by passengers landing for going to Karachi. I shall also give an anecdote by way of counter criticism. One of my friends, when he landed in London last year, was put to a great deal of inconvenience. He had to sleep on the floor of a bath room for want of accommodation. Well, that surely is no reason why a member of the House of Commons, for instance, should immediately bring in a motion that the British Exchequer should make provision for building hotels in London for passengers arriving in London. Thus, as we do not know that every other remedy has been tried by the Port Trust without success, I do not think it right that the consideration of the bill should be taken up now, and I, therefore, support the motion for its postponement.

The Honourable Mr. Munmohundass Ramji:—Your Excellency,—I endorse all the arguments that have been advanced by the Honourable Mr. Kamat and support the motion for postponing the bill. I do not want to go into any detail as this is a motion for postponement, and I shall, therefore, confine my remarks as to why the bill should be postponed. First of all, the bill is not before the public long enough. Then, the Honourable Mr. Hatch has told us that the Port Trust has not gone into the figures of the cost of the hotel or into the cost of running it. Surely that is going to take some time. Under these circumstances, why should this Council be asked to hurry up this bill without giving any opportunity to the trade and commerce of Bombay for expressing their opinion? As there will be much loss of time before the estimates can be got, we might as well wait and give an opportunity to every body concerned to have their say. Therefore, I say that this Council should vote for the Honourable Mr. Purshotamdas Thakurdas' motion for the postponement of the bill.

The Honourable Dewan Bahadur K. R. Godbole:—Your Excellency,—I rise to support the motion for the postponement of the bill from a personal point of view, because some of my savings are invested in Port Trust bonds. I wish, therefore, to see that any additional expenditure proposed by the Port Trust and brought forward before this Council for sanction, is a sound financial proposition. The chairman of the Port Trust has not been able to assure us that the concern is going to be a paying concern. I think that the subject should therefore be further discussed by public bodies, and this discussion will enable us to judge whether the additional hotel facilities are going to pay the Port Trust or are going to be a matter of loss. Then we will be able to vote on the measure better, and therefore, I am for the postponing of the further consideration of this bill to September session.

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The Honourable Mr. G. S. Curtis:—May it please your Excellency,—It seems to me that there has been a certain amount of misunderstanding with reference to the attitude of Government as regards this measure. First of all, however, I shall deal with the motion before the Council which is one for postponing the consideration of this bill until the meeting in September. Obviously one very strong reason for taking up the bill now consists in the fact that the season for building in Bombay is relatively a short one, and if operations are to begin and full advantage is to be taken of the cold weather, the contracts will have to be made very soon. As I have already stated, Government propose, if the first reading of the bill is passed, to refer it to a select committee, and take up the second and third readings of the bill on the 27th September when the Council next meets, so that the necessary contracts may be made and operations may begin in November. If there is to be further delay, obviously such a course will not be possible. That is one strong reason why the motion for the first reading of the bill should be adopted.

As regards the discussion generally, it has extended over a wide range of subjects. But I shall endeavour, as far as possible, to focus the attitude of Government in a few remarks. First of all, it seems to me from the figures quoted and from my own personal knowledge of Bombay, that the amount of traffic which has passed through the Port of Bombay has increased very largely in recent years.

The Honourable Rao Saheb Desai referred to the passing of the Port Trust Act in 1879, and he said, if the legislators of 1879 in their wisdom held that no hotel was necessary, then there is no reason why we, the legislators of 1920, should hold a different opinion. I do not know how many of us remember the Bombay in the eighties. Probably there are only the Honourable Sir George Carmichael and one or two other honourable members here, who do remember it. But I can certify from my personal knowledge for over thirty-two years that conditions are entirely different now from what they were then, and that it is very difficult to find hotel accommodation there at present, as indeed must be inferred from the case cited by the Honourable Mr. Webb, and the example cited by the Honourable Mr. Macnaghten.

But, sir, there are further temporary circumstances which have aggravated the position. Before the war steamers arrived most regularly. Mail trains left at night and arrived in the morning, and many of us who have passed long years in the mofussil have frequently left our station on the Friday evening with the certainty that we should leave Bombay by mail on Saturday. If we arrived in Bombay by steamer we did so in the morning and went on in the evening. But now one mail only leaves at half past nine in the evening. The others leave at a most inconvenient hour. The Gujarat mail which, I remember, used to arrive at seven o'clock in the morning has now been put back to eleven. The train from the Southern Maratha Country arrives at 11-30. The Calcutta mail arrives, I believe, at one o'clock. Consequently it is almost a necessity for any passenger who wishes to take a steamer to pass at least one night in Bombay. Hours of departure of the steamers are uncertain, and when the mail leaves or arrives, no one knows for certain. Consequently it becomes a necessity for passengers departing or arriving, to pass some time in Bombay at a hotel.

Now, sir, I come to the next point, namely, why is it that Government have accepted the proposal of the Port Trust to erect a hotel. Obviously it would be desirable, if possible, that private enterprise would do it. The Honourable Mr. Sethna has admitted that private enterprise cannot do so because there is no land available. The Port Trust not having foreseen the existing difficulty have parted with the best of their sites. It would be possible no doubt for them to lease the existing sites, but, I understand, the main object of the proposal is this: The hotel is merely a temporary convenience and that when other sites are available, when the back bay reclamation or other schemes are completed and land becomes available, and private companies other than the Port Trust will be able to provide the necessary hotel accommodation, the Port Trust will convert their building which they now propose to use for their temporary hotel into an office for administrative purposes. That, I understand, is the main object of the proposal. It is purely a temporary convenience and the Port Trust will, at a later stage when private enterprise can step in and supply this want, consider the desirability of abandoning this hotel if it does not pay, and convert it into offices for other purposes.

We have heard a heart-rending appeal from the Honourable Dewan Bahadur Godbole and other honourable members not to endanger the solvency of the Port Trust by allowing them to embark on an extremely adventurous scheme. The existing debt of the Port Trust is sixteen crores, and I do not think that the half a lakh or so which might be required for this hotel annually would seriously imperil the solvency of the Port

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Trust or affect the capital at present invested in Port Trust bonds. It is possible that they may be affected in other ways. Recently the general rise in the rate of interest has undoubtedly depreciated the capital value of their bonds, and many people who held the bonds will never see again the capital put into them. But as adumbrated by your Excellency, the further borrowings of the Port Trust will be, we hope, conducted through the agency of the Development Directorate on the security of the Government of Bombay. Therefore, any expenditure on a hotel even if it is as large as fifty lakhs, will not affect the rate of interest at which their general loans are raised. That rate of interest will be determined by a general rate of interest which will be settled by the Development Directorate, for the loans raised for development purposes in the Bombay market. It is not the case, therefore, that the credit of the Port Trust can be seriously affected by any slight loss which may happen owing to this undertaking of the adventure of the hotel.

The Honourable Mr. Kamat asked a question as to whether all other expedients had been considered before this hotel was undertaken. His Excellency has answered from his personal knowledge that a reference has been made to the Railway Board on the subject, but I will add that even if the railway company is to erect a hotel there are no sites available for it, as the Honourable Mr. Sethna said that the Port Trust, and the Port Trust lands alone, are the only lands suitable and available, and it is the Port Trust only who can avail themselves of this opportunity of erecting this hotel accommodation.

It has been stated by one honourable gentleman that at present there is no actual shortage of accommodation. But many of us know that one of the hotels in Bombay which was a large one has recently been closed and converted into office accommodation, the fact being that the rent available for office accommodation to the owners made the building more lucrative to the landlord than it was when it was being used as a hotel.

Finally, sir, I would urge this Council to consider seriously the expediency of this bill. There is no wish to rush it. As I stated clearly yesterday, as the first reading is passed, the bill will be referred to a select committee and the various objections raised by the Honourable Mr. Purshotamdas Thakurdas and others can be considered. But as to the actual need of the hotel I trust that this Council must have been convinced by the moving speech of the Honourable Mr. Webb who has opposed this motion for adjournment and supported the bill.

The Honourable Mr. Purshotamdas Thakurdas:—Your Excellency,—I wonder whether the Honourable Mr. Hatch was very impatient and could not control his impatience when he styled my motion as an obstructive one. I should have thought that my co-operation with him on the Port Trust Board for the last eight or ten months would have at least entitled me from him to anything but my motion being called an obstructive one. The Honourable Mr. Hatch has thought fit to use that adjective for my motion, and I propose to deal with that at some length. As to whether he is justified or not in doing so it is for the Council to judge.

In my opening remarks yesterday I mentioned to the Council the extent to which the Board of the Port Trust was directly representative of the commercial interests of Bombay. I said that in all seven elected members representing the Bombay Chamber of Commerce, the Indian Chamber of Commerce and the Grain Merchants' Association are on the board. Out of the total of seventeen including the Chairman there are seven members who represent directly Bombay commerce and the others include representatives of the Military and the Naval authorities, two Agents of the railways, the Collector of Customs, the Municipal Commissioner and 3 Indians nominated by Government. At a board like the one that I have just named, and which I am sure the Honourable Mr. Hatch heard yesterday, the representative of the Grain Merchants' Association was absent at the meeting at which this motion was considered, and some representatives of the Bombay Chamber of Commerce voted against the motion. I really wonder, sir, whether bearing these facts in mind the Honourable Mr. Hatch will not change his mind and withdraw the word 'obstructive' and give me the credit of being one who wished to put the full facts before the Council and suggest to them the correct manner in which to deal with the bill under consideration. I do very strongly hope that a responsible honourable member of this Council will use adjectives with great care and with better justification than the Honourable Mr. Hatch has thought fit to do. I could very well say that the impatience he has shown in listening to my argument before the house is something that is undesirable. But I would rather not say so.

Coming to the various speeches made on my motion I propose to deal with the speech of the Honourable Mr. Macnaghten, representing the Bombay Chamber of Commerce, and of the Honourable Mr. Webb, representing the Karachi Chamber of Commerce, and also the speech of the Honourable Member in Charge. The Honourable

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Mr. Macnaghten has very frankly told the Council what he wanted. He represents the principal section of the Bombay commercial community that would benefit by this amendment, and I am quite prepared to say that he is correct in advocating it. The whole point, however, is as the Honourable Mr. Macnaghten told the Council, and I am glad for that admission of his, namely, that hotel building in Bombay at the present moment is a doubtful speculation. If that is the admission of the honourable representative of the Bombay Chamber of Commerce on this Council, I venture to say that I have proved my case to the very hilt. I do not want the Port Trust, that has to spend large sums of money on increased facilities for the commerce, to lay out about half a crore of rupees or more on a concern which has been admitted by a representative of the Bombay Chamber of Commerce as a doubtful speculation. Here are the grounds of my opposition, and if I made out no case in my opening speech proposing this motion yesterday my honourable friend, Mr. Macnaghten, has told the Council in a nut-shell very clearly whatever I may have omitted. Not only is it that he has done his duty to his constituency, by telling the Council what they would like, but he has also told us what is the objection in undertaking to build a hotel building at this juncture. I wish, sir, that the honourable representative of the Karachi Chamber of Commerce had been equally frank. His speech has been styled by the Honourable Mr. Macnaghten as a moving speech. May I have his permission to style it as half the truth? He has told us how his friends had to be taken away to Karachi, because they could not get hotel accommodation in Bombay. We, after all, consider that Bombay is the second city in the Empire, and the Honourable Mr. Kamat has told us that in the first city in the Empire conditions are not much better. The Honourable Mr. Webb yesterday interrupted your Excellency while replying to remarks on the first reading of the housing bill, by saying that they had in Karachi a town duty on cotton. I only wish to refer to this, your Excellency; I do not want to dwell on it. I felt then that I had overlooked an important fact when I made my speech yesterday. But on inquiring of my friends from Sind, I find that the Honourable Mr. Webb never mentioned that the town duty in Karachi was a very very small duty. However, I thought he may have only wanted to be brief in interrupting your Excellency yesterday. But to-day he has told us that on behalf of his own town he would do nothing less than what I am objecting to, namely, build a hotel on account of and with the money of a Port Trust. My honourable friend Mr. Rupchand Bilaram, however, has taken us more into confidence and has informed us that my honourable friend Mr. Webb himself has agreed to the Karachi Port Trust only leasing land for a hotel and has not been so bold or venturesome as to get the Karachi Port Trust to put up a hotel. I do wish, sir, that the Honourable Mr. Webb had told the Council the whole truth in this matter. The Honourable Mr. Webb must be a fairly senior Trustee of the Karachi Port, and he might have told us the whole story, because half truths never help any cause and they may tend to mislead the Council.

The Honourable Mr. Curtis in replying on behalf of Government said, "What does it matter if the Port Trust have to lose half a lakh of rupees a year on this hotel?" The Honourable the Chairman of the Port Trust enunciated the principle that it need not be a paying proposition at all. He said, "Why need it be a paying proposition, and why should not the Port Trust do it even if it is not a paying proposition?" The presumption is that both, the Honourable Member in Charge of the portfolio and the Chairman of the Port Trust, are apprehensive that it may be a losing proposition. If the Council feel that they may go on with an amendment of the Port Trust Act that may result in a monetary loss annually to the Port Trust, then they certainly ought to give an opportunity for an expression of opinion to the commercial bodies with whose money the Port Trust works. The Honourable Mr. Chunilal Mehta mentioned a few of the bodies concerned which contribute to the income of the Port Trust. I propose, sir, to give here for the enlightenment of the Chairman of the Port Trust a complete list of those bodies or associations, which I am sure he knows :—

The Piece Goods Merchants' Association, the Rice Merchants' Association, the Grain Merchants' Association, the Iron Merchants' Association, the Bombay Chamber of Commerce, the Indian Merchants' Chamber, the Millowners' Association, the Cotton Trades Association and the Bombay Trades Association.

This is a list of nine principal commercial associations who contribute very largely to the income of the Port Trust. In fact, excepting the period of the war, when Government contributed fairly large amounts, these are the nine associations that are responsible for the prosperity and advancement of the port of Bombay. These are the nine associations with whose money the trustees propose to build this hotel, and if the chairman of the Port Trust, and if the Honourable Member in Charge of the portfolio are both apprehensive that the scheme may not be a paying one, am I wrong in asking the Council

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to postpone the bill till we have given time to these bodies to express their opinions on the amendment to the Port Trust Act? Am I obstructing the Council by asking that the consideration of this bill be adjourned until all the associations and bodies concerned have an opportunity of expressing their opinions? I submit that I am doing a service to this Council in asking for an adjournment. The Honourable the Chairman of the Port Trust said that the Port Trust revenues are going up by leaps and bounds, and he said that their income has doubled itself within the last five years, that is, the income has increased by about a crore of rupees. But the Port Trust owe a duty to the trade, to the commerce and to the industry at whose expense it flourishes. They also owe a duty to their workmen and to the subordinate staff. Have they made all necessary provision for the latter? Because they have got a large income, is that any reason to go in for a scheme which is admitted by the chairman of the Port Trust himself to be a scheme which might cost a very large amount of money and which may not be a paying proposition? The Honourable the Chairman of the Port Trust referred to a question asked by the Honourable Rao Saheb Desai, a question which I did not venture to refer to because that was not a question on the papers laid on the table. But since the Chairman of the Port Trust himself has referred to it, I venture to submit to the Council that he has given a very incomplete answer, and I would ask him to give us the other half of the answer. The Honourable Rao Saheb Desai asked why the work of supplying housing accommodation for workmen and the subordinate staff of the Bombay Port Trust has not been taken in hand on a larger scale than it has been till now. I do wish that when the Honourable the Chairman of the Port Trust said that twenty lakhs had been spent since 1918, he had also thought it necessary to give a full answer to the Honourable Rao Saheb Desai's question, and told us why more amount has not been spent on it. In another part of his question the Honourable Rao Saheb Desai asked, whether Government would be pleased to say when housing accommodation would be provided for the whole of the Port Trust staff, and at what approximate expense. I wish that the Honourable Mr. Hatch had thought fit to give a reply to this, or that he will give it now. The percentage of the staff housed was in 1918, 30 per cent. and the whole of the staff are not yet housed. I agree that the Bombay Port Trust ought to help in reducing congestion that is at present on. When the revenues of the Port Trust are increasing by leaps and bounds, and when they are ready to venture on a scheme of a hotel which would cost a fairly large amount, their first duty is to help in relieving the congestion not by beginning at the top but beginning at the bottom, as charity begins at home, by providing accommodation for their own workmen. If by erecting a hotel they can meet the convenience of a few hundred people, how many more people can they accommodate if they put up single room tenements with the same expenditure? And, sir, what a valuable help and what a good start it would give to the scheme which your Excellency has most at heart!

The Honourable Mr. Sethna appears to be a very hesitating supporter of the bill. He combines his support with good many conditions, which, it strikes me, do not appear to commend themselves either to the Honourable the Chairman of the Port Trust or to the Honourable Member in Charge; however, we are not concerned with it at present. He says he knows of a railway, which is also the port authority, having put up a hotel. All along I have said that a railway may take up such a scheme. We have to consider, first, what the liabilities would be and, secondly, how long the necessity would last. The Honourable Mr. Curtis said that the Port Trust would, first of all, put up a hotel and that later on if they found that the hotel did not pay, they would use it as an office.

The Honourable Mr. G. S. Curtis:—I beg the honourable member's pardon. I said they would hand over the building for the purpose of their own offices.

The Honourable Mr. Purshotamdas Thakurdas:—Would it not be a white elephant, then?

The Honourable Mr. G. S. Curtis:—I do not know whether it would be a white elephant or not, but I take it that it would be perfectly possible for any public body to erect a hotel and then convert it into their own administrative offices, if after sometime later, it is found that it is not a paying concern.

The Honourable Mr. Purshotamdas Thakurdas:—The very fact that it is intended to put up a building which would be useful later on for some other purpose indicates to me little confidence in the scheme itself on behalf of Government. You cannot build a hotel by saying "There, you go up." A hotel for 200 cannot be built in six months or a year or sixteen months! I submit, sir, that the correct attitude to be taken up in this matter was taken by the Honourable Mr. Froom of the P. & O. Company. He pointed out that prices may go back to normal and that under such conditions, as the passenger season

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only extends over six months of the year, the hotel would run at a loss. The Honourable Member in Charge appears to share this view, and he now proposes to take the precaution of putting up a hotel in such a manner that the building can be used as offices if the hotel scheme does not pay.

The Honourable Mr. G. S. Curtis :—I beg the honourable member's pardon. I understand, as the honourable member might have gathered from the speeches yesterday, that there are proposals for engaging additional staff for the Port Trust which will require considerable office accommodation, and they would have to extend their present office buildings apart from the proposal of a hotel, and this can be accommodated in the hotel building if the scheme does not prove a paying one.

The Honourable Mr. Purshotamdas Thakurdas :—Perhaps the Honourable Member in Charge is not aware of all the details of the extension scheme and may want consultation with the Chairman of the Port Trust.

The Honourable Mr. G. S. Curtis :—No, no.

His Excellency the President :—Order, order. I hope the honourable member will confine himself strictly to the point under discussion.

The Honourable Mr. Purshotamdas Thakurdas :—Certainly, sir. I bow to your decision. What I was submitting, sir, is that a scheme which has to be launched with so many precautions appears to me to be a very doubtful scheme. If the Council feel that in spite of all this the consideration of the bill may be proceeded with, by all means let them decide accordingly. I have finished, sir, and I commend my motion to the acceptance of this house. If, however, they do not accept my motion for adjournment and the first reading is to be proceeded with, I shall have to vote against the bill, because I do not think it is right to the community that pay the revenues of the Port Trust that their privilege of criticising the proposal should be overlooked and the bill rushed through.

His Excellency the President :—We have had, gentlemen, to my satisfaction, an interesting and more latterly an animated debate on a very simple issue which has occasionally been somewhat obscured, I think, by the speeches of honourable members, as to whether (*a*) an extra hotel is required in Bombay for the convenience of passengers and, secondly, (*b*) whether a terminal authority like the Port Trust is the proper authority to build it.

I do not propose to speak for more than two or three minutes, but I should like, in view of the various excursions made into wider subjects, to draw the attention of the Council once more to that issue. The main issue before us is whether it is right or proper to proceed with this bill at the particular moment. I will deal with the last point first. As regards the appropriateness of this moment to proceed with the first reading of this bill, there is this to be considered. It is perfectly true that Government gave honourable members some days' less notice than is customary in the case of these bills, but that was due simply to an administrative reason, the mere fact that we could not get our bill back from the Government of India earlier.

I should like to point out to honourable members that, so far as I can see, there is a very considerable misunderstanding as to what the first reading of a bill means. I have spent, I think, ten years in the House of Commons, and to the best of my knowledge and belief, generally speaking, I do not think I ever saw the first reading of a bill, however controversial, thrown out by the House of Commons, or opposed by any section of the House of Commons. May I remind honourable members for a moment what the first reading is? It would be thought extraordinary in the House of Commons if the first reading were to be opposed, and there it would not be an act of courtesy. Here it is quite different, because I know in this Council there has been an impression that the first reading was the only occasion on which a discussion of principle was allowed, and therefore, in this Council, I have no doubt that first readings have been opposed very often. As long as I have the honour of presiding over this Council, I think, it will be a good plan, as far as we can, to follow the House of Commons' procedure as nearly as possible. In the House of Commons, at the time of the first reading of a bill, it is accepted as a matter of course. Occasion for the discussion of principle is taken on the first reading. That is the appropriate moment for discussing the first principles. It is also equally appropriate to carry on the discussion, both with regard to principle and details on the second reading. The next stage is the committee stage, where the architecture and construction of the bill is criticised or added to, and the third reading is the considered opinion of the whole house. I should propose that the same procedure be followed here.

I can assure honourable members that there has not been the slightest wish—far from it—to avoid giving the public authorities, a long list of which the honourable member has read out, every opportunity for the fullest consideration and the

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fullest criticism. I would like to point out to this Council that there is going to be ample opportunity for these bodies to offer criticisms on the bill. I do not presume that if the opposition is so large as that indicated by the honourable member, seven days could possibly be sufficient. I think they will need a longer time. We propose to give it between the first and second readings of the bill. If there is opposition, it will tend either to develop, to increase or decrease during that period. Government will be able to watch it, measure it, and to decide accordingly. There will then be the committee stage, when the committee will be able to tear the bill into fragments if they choose, or to construct it, and then there will be the third reading. I really do not know as to why there should be the slightest apprehension in any honourable member's mind that because Government moves the first reading of a bill, it is trying to rush a bill which the public do not like. I would like to remove that impression from now onwards, because I do not think I shall have the opportunity of presiding over this Council on more than one or two occasions, and the President who follows me would certainly wish to follow very largely the House of Commons practice, as being well established and convenient for our purposes. I do assure the Council that they are quite wrong in apprehending that in the case of a first reading where seven or two days' notice is given, Government is intending in any way to rush through the Council that measure. It is perfectly true that my Government would have been very glad to carry all the three readings of this measure during this session, but in view of the fact that there is opposition to the measure, Government is certainly not going to attempt to do it.

I now come to the Honourable Mr. Purshotamdas Thakurdas' interesting summary of the situation. I think, if I may say so, he was extremely sensitive as to the Honourable Mr. Hatch's characterization of his attitude as obstructive. I tremble to think of what honourable members will feel in future, if they feel so keenly about the word "obstructive" now. When the new Council comes into existence, if there is going to be any vivacity in that assembly, they are likely to hear things considerably more damaging, and more critical adjectives. I would point out to the Honourable Mr. Purshotamdas Thakurdas that far from that being an unkind thing to say, the Honourable Mr. Hatch only pointed out that the honourable member was doing his duty, because obstruction to a cause which you think improper is not, and cannot, be wrong. It is incumbent upon the honourable member to obstruct it by every possible means that he can, and it is the duty of Government, if it thinks it is right, to carry the measure by every possible means they can. There was no reason for the honourable member in any way to be sensitive about it. Of course the Honourable Mr. Hatch has said that he was obstructing the passage of the bill by his motion, but I think he meant that this motion cannot and does not accelerate the speed. I hope the Honourable Mr. Purshotamdas Thakurdas in future will certainly not be sensitive about what I think to be a perfectly fair remark for an honourable member to make, and a remark made in good spirit.

I now come to the Honourable Mr. Macnaghten's remarks as regards speculation. I think the Honourable Mr. Purshotamdas Thakurdas rather misunderstood him. What I understood the Honourable Mr. Macnaghten to say as regards speculation was, that the reason why more private enterprise was not forthcoming for building purposes was, that at the present moment the chief factors of consideration, at present, are the very high prices of land and materials. Therefore, people have to think twice before they embark upon building a hotel, and I understood the Honourable Mr. Macnaghten to say that it would become a speculative business. You had to speculate also on a good many other things that might occur. To that extent, I understood the honourable member considered that that was speculation. I do not think he intended that this Council should infer that the Port Trust's proposition, namely, to build a hotel on land which already belongs to it, and which is, I understand from the Honourable Mr. Hatch, not suited to any other use, is speculation. I cannot think for a moment that the Honourable Mr. Macnaghten intended to characterise such a proposition as speculation. But the broad considerations are shortly these. The Port Trust can take one of two courses. They are the terminal authority. I agree with the honourable member that the railway authorities are most remiss in not providing this accommodation. But surely the trade of Bombay does not stop short at Bombay. It is a far wider thing than that, dependent upon much broader considerations. I think a terminal authority like the Port Trust owes a duty to "the trade of the town," I quote the honourable member's own words, and that the Port Trust would be remiss and would be failing in their duty if by negligence

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it did anything which would tend to divert the traffic to the port of the honourable member who sits so hungrily in that corner, waiting for it. I cannot help thinking, with all respect to the honourable members who have taken an opposite view, that they are taking rather a narrow point of view with regard to this matter. The Honourable Rao Saheb Desai said that if the business of building hotels was a profitable one, then of course the outside public would come in and do it. I would like to put an alternative before him. If it is really going to be profitable, he cannot object to the Port Trust doing it. No outsider is going to undertake it, if it is not profitable. But are we going to see that movement into Bombay from East and West is more and more restricted, and would we like people choosing Karachi, Calcutta, Madras, or Ceylon as a trade centre? I think I heard some remarks yesterday as regards the duty on cotton bales. It was thought Government were going to do something which would divert the trade from this great city, and I would like to say that negligence can divert it just as much as activity. Looking to these facts, I venture to put it to the Council whether we are right in accepting a motion for postponement. We desire to give this bill a first reading. I have never tried to rush bills through this Council. I have always given ample room for discussion, as I think honourable members will agree. I think that honourable members will be wiser in setting their fears at rest as regards the objects which Government have in view, in pressing for the first reading of this bill. I think honourable members will realize that this will only be the first reading of this measure. Then those who oppose it should gather together such forces as they can, and bring them before Government and this Council on the next occasion, and then we shall be treating the matter in a reasonable way, and not turn down at a moment's notice a proposition which, at any rate, is one that should command great interest in the city of Bombay. It remains to be seen whether it will command approval.

I, therefore, do commend that this Council, whatever its views be on the main issue of the question, should give the bill a first reading, and then give us their fuller views as regards the advisability and the wisdom of the proposal on the second reading, in the committee, and on the third reading. These are, I think, sufficient precautions for any honourable member of this Council.

The motion was put to the vote and lost, 19 members voting for and 24 against it. The Council divided as follows :—

Ayes.

The Honourable Mr. Dattatraya Venkatesh Belvi, LL.B.
The Honourable Mr. Rupchand Bilaram, LL.B.
The Honourable Mr. Pandurang Anant Desai, LL.B.
The Honourable Rao Saheb Harilal Desaibhai Desai, LL.B.
The Honourable Rao Bahadur Siddhanath Dhonddev Garud.
The Honourable Dewan Bahadur Kashinath Ramchandra Godbole.
The Honourable Mr. Balkrishna Sitaram Kamat.
The Honourable Mr. Chunilal Vijbhukhandas Mehta, LL.B.
The Honourable Sardar Shriniwas Coopooswami Mudliar.
The Honourable Rao Bahadur Venkatesh Shriniwas Naik.
The Honourable Mr. Raghunath Purshottam Paranjpye.
The Honourable Mr. Gokuldas Kahandas Parekh, LL.B.
The Honourable Mr. Abdul Kadir *alias* Fakir Mahomed *walad* Ibrahim Khan Pathan.
The Honourable Sir Dinshaw Manockjee Petit, Bart.

Noes.

His Excellency Sir George Ambrose Lloyd, G.C.I.E., D.S.O., Governor of Bombay, *President.*
The Honourable Sir G. Carmichael, K.C.S.I., I.C.S., *Vice-President.*
The Honourable Mr. G. S. Curtis, C.S.I., I.C.S.
The Honourable Sir Ibrahim Rahimtoola, Kt., C.I.E.
The Honourable the Advocate General (Sir Thomas J. Strangman, Kt.).
The Honourable Mr. Ali Gohar Bhutto, son of Ghulam Murtaza, Bar.-at-Law.
The Honourable Mr. P. R. Cadell, C.S.I., C.I.E., I.C.S.
The Honourable Mr. J.G. Covernton, C.I.E.
The Honourable Mr. R. E. Enthoven, C.I.E., I.C.S.
The Honourable Major C. Fernandes, M.D., F.C.P.S., I.M.S.
The Honourable Mr. G. W. Hatch, I.C.S.
The Honourable Sheikh Ghulam Hussein Hidayatallah, LL.B.
The Honourable Mr. J. D. Jenkins.
The Honourable Major-General W. E. Jennings, M.D., I.M.S.
The Honourable Sardar Gulam Jilani.
The Honourable Mr. H. P. W. Macnaghten.

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Ayes.	*Noes.*
The Honourable Mr. Munmohundass Ramji.	The Honourable Khan Bahadur Pir Baksh walad Mian Mahmud, C.I.E.
The Honourable Rao Bahadur Ganesh Krishna Sathe, C.I.E.	The Honourable Mr. P. J. Mead, C.I.E., I.C.S.
The Honourable Mr. Purshotamdas Thakurdas, C.I.E., M.B.E.	The Honourable Mr. L. Robertson, C.S.I., I.C.S.
The Honourable Mr. Shridhar Balkrishna Upasani.	The Honourable Mr. C. N. Seddon, I.C.S.
The Honourable Mr. Harchandrai Vishindas, C.I.E., LL.B.	The Honourable Mr. Phiroze C. Sethna, O.B.E.
	The Honourable Mr. H. O. B. Shoubridge, M.Inst.C.E.
	The Honourable Mr. E. G. Turner, I.C.S.
	The Honourable Mr. M. de P. Webb, C.I.E., C.B.E.

His Excellency the President:—The Council will now adjourn till 2-45 p. m.

The Council then adjourned for lunch till 2-45 p.m.

After lunch.

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

His Excellency the President:—Order, order. Further consideration of a bill further to amend the Bombay Port Trust Act, 1879. (Bill No. XII of 1920.) First reading.

The Honourable Mr. P. A. Desai:—May it please your Excellency,—I should like to make a few observations about this bill. But before I do so, I should like to be in possession of certain information which I hope the Honourable Member in Charge or the Chairman of the Port Trust will furnish. The information that I want is: How many passengers by sea arrive in Bombay from the southern coast—from Kanara and from Ratnagiri—every year? What provision has been made for them by the Port Trust? The second question I ask is: How many passengers come from Gujarat, Kathiawar, Cutch and Karachi every year, and what provision has been made by the Port Trust in this connection?

His Excellency the President:—Order, order. The honourable member cannot ask questions like that. If he will make his speech now, he will be replied to at the end.

The Honourable Mr. P. A. Desai:—Then in the absence of information upon these salient points I shall not be in a good position to say much on this subject. However, we have heard from the Chairman of the Port Trust that the overseas passengers come to about a lakh and odd. From the information received by me, it is clear that the number of passengers that come from the southern and northern side of Bombay comes to several lakhs. It would be most interesting to know if the Port Trust has done anything in connection with the lodging and boarding of these passengers. If they have not done anything, I should like to know why the Port Trust should be so anxious to make provision for the ocean-going passengers only in such hot haste.

We have seen, in answer to one of the questions, that the Port Trust has not made provision for its own employees to the extent of 70 per cent., and we have heard that during the last 4 or 5 years only Rs. 21,00,000 have been spent on providing housing accommodation for the Port Trust employees. I say, the Port Trust must first look to the convenience and comfort of its own employees. That has not been done, and it would be rather unwise for that body to spend Rs. 50,00,000—whether it will be Rs. 50,00,000 or Rs. 70,00,000, who can say—until they have made sufficient provision, until they look to the health, comfort and convenience of its own employees. No case has been made out for the Port Trust risking any money in such movement. We have been told that there are no plans and estimates ready. I submit, under these circumstances, it would not be wise for the Port Trust to launch into such a hazardous movement. I, therefore, submit that the first reading should not take place.

The Honourable Mr. Harchandrai Vishindas:—I rise to a point of order. I should like to have your Excellency's ruling as to whether questions should not be answered in the course of the debate. Rule 16, page 198, of the Council Manual provides for questions being put.

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His Excellency the President:—Presumably the honourable member refers to Rule 16, page 198 of the Council Manual. It is not an explanation but it is additional information that the honourable member—Mr. Desai—asks for in the course of his speech which can only be supplied at the end. Besides that, I must have the proceedings of this assembly conducted in such a manner that the information can be supplied in the most convenient way and the debate fully brought out. An occasional question may be asked but not necessarily replied to, and I think, it is not convenient to carry on debates by cross-questions and answers.

The Honourable Mr. R. P. Paranjpye:—Your Excellency,—I wish to oppose the first reading of this bill because it enunciates a principle which in my opinion is dangerous. First, with reference to the remarks that your Excellency was pleased to make in the morning session, I may observe that the usual practice in this Council is to oppose a bill even at its first reading. Some years ago a bill was brought forward into this Council by the Honourable Mr. Patel, a bill to amend the law relating to medical practitioners, and I think it was mainly on account of the attitude taken by Government that that bill was refused a first reading. I am mentioning this illustration to justify the attitude of myself and some of my colleagues in opposing this bill at the first reading.

Then there is another reason why we are opposing this bill. If the bill had rather been a complicated one and it was possible to amend it in the select committee or at the second reading by preserving its framework, then possibly honourable members might legitimately be asked to pass the first reading and then amend it. But the bill in itself is a very short one. There are no complicated questions—I leave out practically the very small clause 2. So, if we allow the first reading of the bill to go on, there is hardly anything left in it that requires amendment. Therefore, I think we are perfectly justified in opposing the first reading.

Coming to the merits of this bill, my friend the Honourable Mr. Pandurang Desai has brought forward the case of several other classes whose convenience the Port Trust is equally bound to consider. The number of passengers on the coasting lines who are seriously inconvenienced by want of facilities for staying in Bombay is several times—I was almost going to say a hundred times—more than that of ocean-going passengers. And from the way in which the Port Trust has catered to the convenience of these passengers, I think we have a right to ask that more attention should be given to the convenience of these passengers even before the conveniences of ocean-going passengers are considered.

There is another point also. I do not think that an authority like the Port Trust is the proper authority for managing a hotel. There are inconveniences no doubt, but I know that oftentimes in the case of hotel management a kind of racial discrimination is observed, and I am not sure, when once permission is given to an authority like the Trust to manage a hotel, whether that authority will not make racial distinctions as to the admission of passengers. My friends from Sind have been so greatly inconvenienced by want of hotel accommodation in Bombay. Place is refused them in some of the Poona hotels also. We non-official members are afraid that a similar thing might occur in the case of hotels managed under the auspices of a body like the Port Trust. Therefore, I do not think that we should be prepared to give a *carte blanche* to a body like the Port Trust to utilize public funds for the purpose of managing a hotel. We all understand that hotel accommodation is necessary in Bombay, but I think, hotel accommodation of this kind ought to be made on a fair basis if people are prepared to pay for the conveniences that they want. I think private speculators or private syndicates will be quite prepared to come forward and start a feasible scheme for hotel accommodation. But I do not think that a public body like the Port Trust should go in for hotel accommodation.

There is one further point. Last half of the year Government used a portion of a public building like the Royal College of Science for hotel accommodation. I know Government came in for a good deal of criticism for that. I think the criticism was perfectly justified. Although it was necessary to give facilities for the newcomers to Bombay, Government was really not right in stepping in and giving a public building for this purpose.

I think in the same manner a public authority like Port Trust should have nothing to do with similar business. There are lots of pitfalls in connection with it, and I think it is much better that a body like this should keep away from it. My honourable friend, Mr. Chunilal Mehta, has told us that he particularly fears that the supply of visitors to the hotel is not likely to be continuous, specially during half year, and under these circumstances I do not think that we should pass this bill and, therefore, I oppose the bill on its first reading.

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The Honourable the Advocate General (Sir T. J. Strangman):—Your Excellency,—In spite of the amount of eloquence that has been poured out this morning, the matter remains as it started, a matter in a nutshell.

Now, how do we begin? We began with this, that there is a great lack of hotel accommodation in Bombay. This is a matter of detriment to the city of Bombay as a passenger port. Amongst other bodies and persons interested in the question is the Bombay Port Trust whose business it is to make Bombay an attractive passenger port. That being the case the Bombay Port Trust have approached Government with a proposal to amend the act and Government have placed this proposal before the Council.

Now, what are the arguments which have been put forward against this proposal? They are really threefold. First of all, from a financial point of view; secondly, because it is said that the running of a hotel is outside the natural scope of the business of the Port Trust authorities, and thirdly, because it is said that there are other objects which ought to be undertaken first. I will deal with them in turn, and first with the financial side of the question.

During the discussion it has been generally assumed that the hotel would be run at a loss. But, I say, why assume any such thing? We know that during the last few months a great number of hotel projects have been in the air and that those projects were to be put through by companies. Nobody suggested that those projects were going to end in loss, and the reason that they were dropped was not on account of any anticipated loss but because no sites were available.

Now I ask the honourable members of this Council to consider the composition of the board of the Bombay Port Trust. We find on that board people connected with practically every trade of the city. And I venture to say that the board compares in intelligence, knowledge and experience most favourably with any board of any company which is carrying on business in Bombay. Now, if it was considered by many level headed people in the city of Bombay that a company could run a hotel at a profit and of course they could only do so with expert assistance, why should it be assumed that a body, to put it at the lowest, equally intelligent, equally experienced, with equal knowledge and with similar assistance, should make a failure of such a project. But I propose to put the matter on an entirely different plane to that on which the discussion has proceeded today. I say it is quite a false notion to take this hotel as an item by itself. You cannot do that. You have got to take it as part of a vast undertaking. Now, what I understand from the Chairman of the Port Trust is this that the board have come to the conclusion that it is to the welfare of the Port Trust, and when I speak of welfare, I mean the financial welfare, whether this hotel taken as an item by itself is going to be run at a profit or a loss, that the scheme should be put through in the general interests of the Port Trust.

To illustrate by a very, very humble illustration what they lose on the round abouts they make up on the cocoanuts. Take the case of the Bombay Tramway Company. Members of this Council will find in the streets of Bombay passenger shelters put up in various places. Many might say that was waste of money. It costs money to put up those shelters; it costs money to keep them in order: they bring in no direct return. But of course the answer is that by affording people protection from the sun and rain you attract passengers to the tram cars. The same argument would apply to the hotel. If you have a hotel on Port Trust property you will attract more passengers to the port of Bombay. That is the point which the Port Trust thinks important and they consider, so I understand, that if this hotel is started the general interests of the Port Trust will be served. That is the point which appears to me to have been entirely lost sight of during the discussion by those who oppose this measure.

Then, I come to the question as to whether the running of a hotel is outside the scope of the business of the port authorities. It certainly is outside the scope of the act: indeed that is the reason why this bill is before the Council. But that is not the question which we have got to consider. The question we have to consider is whether it is outside the natural scope of the business of the port authorities. Well, we have more than one precedent in England of authorities, which are in reality port authorities, running hotels. You have the London and South Western Railway Company which owns the docks at Southampton and runs a hotel there. It may be argued that they run it as a railway company and not as a port authority. Surely the answer to that is that to run the hotel is as much to their advantage as a port authority as a railway company. You cannot say that they run it as a railway company rather than as a port authority, the truth of the matter being that they run it in both capacities. In any event it is a

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good enough instance of a port authority running a hotel. But after all do not let us trouble about precedents: let us consider principles.

Now, what are the duties of the Bombay Port Trust so far as passengers are concerned? When I say passengers, I mean sea passengers. It seems to me that their duties are to secure the easy passage of passengers through Bombay. That is their business. Now with that object they have constructed spacious wharves at which steamers can embark and disembark passengers. Then they have arranged special trains to run alongside the mail steamers. All passengers, however, who travel by the mail steamers are not able to make use of these trains. Further, all passengers do not travel by mail steamers: many travel by other steamers. Consequently arrangements must be made for these passengers also. Now what are the arrangements that are proposed to be made? They are for the accommodation of these people between the time that they arrive in Bombay and the time that they depart from Bombay, and, how, I ask, do the arrangements proposed differ in principle in any way from the ladder that the Port Trust provide to walk up to the side of the steamer or a waiting room that they provide at the Ballard Pier. I say there is absolutely no difference in principle. The point is this that it is the business of the Port Trust to see that facilities within reasonable limits are granted to passengers from the time that they get out of the train till the time that they get on board the steamer or *vice versa*; the provision of hotel accommodation is within such reasonable limits and consequently within the natural scope of the business of a port authority. In these circumstances, your Excellency, I heartily support the first reading of this bill.

The Honourable Mr. Phiroze C. Sethna:—Your Excellency,—In speaking on the first reading of this bill I will endeavour not to go over the same ground which I covered this morning in the course of my remarks on the motion for adjournment made by the Honourable Mr. Purshotamdas Thakurdas. There may however be some points which I may have to refer to as also to elaborate. What we have first to consider is, whether the proposal is one which can be undertaken without any loss to the Port Trust. The Honourable the Advocate General who preceded me said that it is a matter of serious detriment to the city, if we do not have a sufficient number of good hotels. I do admit the force of that contention, as I did in the course of my remarks this morning. But I contend that it is no business of the Port Trust as a body to incur heavy expenditure on a hotel of the kind that is proposed which, I think, I shall be able to convince the Council, cannot but work at a loss.

(His Excellency the President at this stage withdrew and the Honourable the Vice-President occupied the chair.)

The Honourable the Advocate General told the Council that there had been of late many proposals for starting hotels in the city of Bombay, but none of them have gone through just because of the difficulty of obtaining sites of land. Sites of land are available, and available from the Port Trust, but the question is of the price at which such sites can be had. To meet that difficulty, I will repeat the argument that I advanced this morning, namely, that if the Port Trust have vacant plots to give away for hotels at some distance from the pier, they may do so at cheaper rates than the ordinary, and thus enable the city to possess more hotels. In this way they will be rendering a service to the city. But for the Port Trust themselves to put up a hotel which is not within a stone's throw from the Ballard Pier is of course a positive mistake.

Now, sir, a few words in regard to the prohibitive cost. The Honourable Mr. Purshotamdas Thakurdas observed that 50 lakhs of rupees will not enable a company, if the hotel were leased out, to run it at a profit. I was endeavouring to show this morning that on 50 lakhs, the return the Port Trust would want to enable them to meet the interest and sinking fund charges, would be about four lakhs of rupees a year. Four lakhs a year means Rs 33,000 per month, or Rs. 1,100 per day, and, that would mean Rs. 4-8-0 per head per day to be recovered from an average number of 250 visitors staying in the hotel if the hotel is to consist of 284 single and double rooms which will mean a maximum capacity of 400 visitors. I say that Rs. 4-8-0 can be conveniently charged to a visitor merely for rent, and I will prove this by facts and figures. There is a new hotel going up in Bombay very near Colaba station where the accommodation is 40 rooms, single and double, so that 60 persons could stay in all. The lessee of that hotel has to pay Rs. 4,500 a month as rent. That means Rs. 150

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a day. This hotel proprietor, with a maximum number of 60 visitors, may safely reckon upon having an average daily number of 45 visitors. He has got to collect this Rs. 150 from his 45 visitors, which will mean he will have to collect Rs. 3-8-0 per visitor for rent, as compared with the Rs. 4-8-0, the lessee of the Port Trust hotel will do. As the hotel at Colaba is to be more or loss a residential hotel, he will not be able to charge as high as the Port Trust hotel. But if he can afford to include Rs. 3-8-0 for rent in what he charges his visitors, the lessee of the Port Trust hotel can very safely charge Rs. 4-8-0 and get it. I show this to point out that at fifty lakhs, the cost is not prohibitive. I was one of the majority when I voted in the committee of the Port Trust on the proposal to build this hotel. My belief then was that 50 lakhs as estimated would be sufficient. Later information convinces me that it is impossible to put up a hotel on the proposed site, and of the intended type at the estimated figure. In regard to this as well, I propose to substantiate my statement again by facts and figures. The Taj Mahal Hotel, which was built 20 years ago, took nearly five years to construct. The rate per cubic foot then was practically one-third of what it is to-day. It was about five annas per cubic foot including sanitary fittings. etc.; and to-day the same works out at about 15 annas to one rupee per cubic foot. The Taj Mahal Hotel has only 250 rooms, not 284, but these 250 being single and double, provide for a maximum accommodation for 400, and when I said that the Port Trust hotel may safely count upon an average of 250 visitors a day, that number was a fair estimate as compared with the average number of visitors at the Taj Mahal, which is 270 per day. The Taj Mahal Hotel, which was built twenty years ago, has cost nearly 30 lakhs of rupees. It would be fair to assume, therefore, that the proposed hotel cannot cost anything less than 90 lakhs of rupees, if not more, and certainly more if, according to what fell from the Honourable Member in Charge, this building is to be so designed as to be suitable later on for offices if the Port Trust require to convert it for that purpose. Further, Mr. President, if the hotel were to cost 90 lakhs of rupees, then the Port Trust can only run it profitably, if it can get a return of about seven and a half lakhs a year—or say Rs. 60,000 a month as rent from the lessee, which would mean that Rs. 8 at least would have to be collected by him as rent from every visitor per day. I do not think, sir, that any lessee with his eyes open can take a lease on these terms which would make it impossible for him to compete with other hotels in the city. It is, therefore, that I urge, sir, that the proposition is by no means a paying one. As to what the Port Trust may be expected to lose every year on the hotel, the Honourable Member in Charge told us this morning that we may lose up to about Rs. 50,000 a year at the outside. Is it a case, sir, of losing only half a lakh of rupees? Neither did the Honourable Mr. Curtis nor the Honourable Mr. Hatch give any figures to show how they estimated the loss at no more than half a lakh of rupees per annum. If we cannot get a lessee to run the hotel, it will mean that we shall have to equip and manage it ourselves. How much more does this mean? In the Taj Mahal Hotel the equipment has cost more than eight lakhs. Assuming that it does not cost the Port Trust to-day more than twice what it did the Taj, the outlay on the hotel including the building and the equipment would be anything from a crore to a crore and a quarter. The loss, therefore, will not be Rs. 50,000 a year, as is estimated by the Honourable Member in Charge, but nearer ten times that amount, if not more. That, sir, is my reason for opposing the idea of a large hotel and of its being run by the Port Trust and on a particular site. I may mention casually that just to-day and at this very hour the board of the Taj Mahal Hotel are considering in Bombay their results for 1919.

Mr. President, if this bill were passed to-day, the Port Trust would be in a position to take in hand what they have decided upon and which is a sound business proposition, namely, the putting up of a temporary hotel. It is proposed to put up on a narrow strip of land just before the entrance to the Ballard Pier a temporary hotel which will cost about Rs. 3,50,000, with accommodation for about a hundred passengers. The Board have decided to charge a rent of something between Rs. 6,250 to Rs. 6,500 per mensem, which will cover interest, sinking fund, municipal taxes, etc., so that we shall get back our money in full at the end of six years, for which period the temporary hotel is to be put up. That, sir, is a sound proposition. If there is a possibility of the Port Trust leasing out a permanent hotel on the same lines, I for one will accord to it my very hearty support; but it is because, that a permanent hotel of the kind intended cannot prove a paying proposition, that I have given to the bill a 'hesitating' support as the Honourable Mr. Purshotamdas Thakurdas has characterized it. The Honourable the Advocate General said that we must take the fat with the lean or, as he put it, if we lose in the ground-nuts we make up in the cardamoms. So far as the Port Trust is concerned, it is a case of cardamoms in all that we do. Why should the Port Trust be saddled with this certain loss when there are other public bodies which can equally if not with greater reason be asked to put up terminal hotels?

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Mr. President, this morning His Excellency laid down the principle that we ought in future to follow the practice that is pursued in the House of Commons, and that we may allow the first reading of a bill to go through, if for nothing else, out of courtesy to the mover, and that the select committee may reduce it to fragments if they so desire, and that we shall be at liberty to discuss even the principles of the bill on the second reading. Our experience in this Council, however, has been that we have not been allowed to discuss principles on the second reading, on the ground that the principles are to be discussed only at the first reading.....

The Honourable the Vice-President (Sir G. Carmichael):—Will the honourable member point out any rule in the rules of business which prevents principles being discussed at the second or third reading of a bill?

The Honourable Mr. Phiroze C. Sethna:—I cannot at the moment quote the rule which prevents it, but we know that His Excellency Lord Willingdon on more than one occasion did not allow principles to be discussed at the second reading, and he confined us in our remarks on the main principles only to the first reading. I am sure my honourable colleagues will bear me out when I say that it was so laid down in more than one instance by His Excellency Sir George Lloyd's predecessor when he presided over this Council.

The Honourable the Vice-President (Sir G. Carmichael):—I was in the select committee when the rules were framed, and I remember that the Honourable Sir Ibrahim Rahimtoola contended for the position that the rules should be so framed that it should be permissible to discuss a question of principle at the second reading. There is nothing in the rules which prevents discussion of principles at the second reading of a bill.

The Honourable Mr. Phiroze C. Sethna:—But we know as a positive fact that during His Excellency Lord Willingdon's time we were not allowed to discuss principles at the second reading. I think he relied on rule 33 of the Council business rules for his ruling.

The Honourable the Vice-President (Sir G. Carmichael):—In any case, His Excellency has told the Council this morning what the practice in the House of Commons is, and he will certainly uphold that practice of allowing questions of principle to be discussed at the second reading.

The Honourable Mr. Phiroze C. Sethna:—I am not aware, sir, of the rules having been altered.

The Honourable the Vice-President (Sir G. Carmichael):—They have not been altered. I was referring to the occasion when the rules were framed and adopted in 1910. I was on the select committee on that occasion, and I distinctly remember the Honourable Sir Ibrahim's contending for the position that the rules be so framed that it should be permissible for questions of principle to be discussed on the second reading. I would refer the honourable member to rules 33, 34 and 35 on page 201 of the Council Manual, in none of which there is anything to indicate that questions of principle shall not be discussed at the second reading.

The Honourable Mr. Phiroze C. Sethna:—I will not take up the time of the Council in view of the fact that His Excellency himself has told us that he is going to allow questions of principle to be discussed also at the second reading. My point was that his predecessor in office did not allow us to do so. I believe he based his ruling on clause (2) of rule 33 which says—

"Amendments of principle only may be moved at the first reading."

However, sir, I am satisfied that His Excellency is going to allow us in the future to discuss questions of principle at the second reading. But His Excellency's appeal to us that, because of that and of the fact that the select committee if they so choose can reduce the bill to fragments, we should allow the first reading to be passed, if for nothing else, then out of courtesy to the mover, cannot meet with favour, for on the first reading of a bill the principles are to be considered, and we have either got to accept the principles or to throw them out. If the first reading is passed by the Council, it means that the principle of the bill has been accepted, and what is done in select committee is just to change a word here and a word there, that is to say, change the phraseology of the bill if necessary. Therefore, sir, I contend that circumstanced as we are, I do not think we can afford to wait till the second reading if we think that a decision on the first reading will help us in the view that we hold. So far as I know—and I have been a member of this Council for now nearly four and a half years—any bill that has passed its first reading has never been thrown out at a subsequent stage. Our experience shows

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that the first reading is half the battle. Therefore, I contend that if we think that we are justified in throwing out a bill on the first reading, we ought not to hesitate to do so.

It may be urged that I am opposed to the erection of a large hotel on this site, because I happen to be on the board of a hotel company. But I should like to assure this Council that, as a director of that hotel company, I will welcome more hotels in Bombay. They are not only necessary but will help the business generally. As to the hotel being put up and run by the Port Trust, it can only be worked at a loss and further, we ought on no account to pass this bill if the intended hotel is to be put up on the particular site referred to in the discussion. This site, as I pointed out this morning, is the one immediately opposite and running parallel to the Mole Station. It is about 9,300 square yards in area. The Taj Mahal site is 10,000 square yards. It is proposed to put up on this site a large hotel, larger than even the Taj Mahal hotel. It follows, therefore, that they will have to build on the whole area of 9,300 square yards. I contend that by doing so we will make the place very congested. At present when we have a large boat coming in or going out, we find the number of carriages and motor cars is so large, that they have to be parked on the proposed hotel site. I know the Honourable Mr. Hatch will retort by saying that we have a sort of curved space a little further on where carriages could be parked. Carriages and motors alone will not be responsible for the congestion. If we have a hotel accommodating 400 passengers, there will be such a large number of people coming to see them, and there will be so much else to do in connection with the hotel, that I leave it to the Council to imagine what serious congestion there will be, particularly, when there is a large boat arriving or departing and many hundreds of friends coming to welcome or to bid adieu. The road dividing the Mole Station from the hotel plot is only 80 feet in width, which is not nearly enough. Again, Mr. Pesident, it is also proposed to have another wharf on the other side, and it is intended to leave between the hotel and that wharf a space of only 40 feet. That space, sir, I contend, is absolutely insufficient, particularly in view of the fact that that wharf is likely to be reserved for the transport of soldiers. Trains will be brought up right along the wharf. Therefore, there will be two lines of railway on that space of 40 feet. Again I leave it to the Council to judge the confusion there will be in that area. I say that this bill is brought forward with the set purpose of putting up a hotel on this the only available site inside the docks. I am glad I am speaking before my friend the Honourable Mr. Hatch, because if he will tell us that he is going to put forward the same proposition in the Port Trust as he has done already, namely, of having a large hotel to take up the whole site, and to provide accommodation for 400 persons, and also that the Port Trust itself will run the hotel, then I am afraid I cannot see my way to accord my support to the bill. He may reply that everything will rest with the Trustees, and he cannot bind them by what he may say here. The Honourable the Advocate General observed that the Port Trustees were level-headed, business men and we could trust them. I admit that this is so, and I am a Port Trustee myself, but perhaps the Advocate General may not consider me level-headed, because of the views I have expressed. As a business man I feel that it will be a positive mistake for the Trust to build upon this site and we will regret the step a few years later.

The Port Trust have arranged to put up a temporary ground floor building on a site just outside the Alexandra Docks to be used as a hotel. That temporary hotel will provide accommodation for 100 people. There is no objection to utilizing this site for a permanent hotel, and in that case there will be no necessity for the present bill, we are now considering, because if the Port Trust leases out that land at a fair rate, anyone will put up a permanent hotel on that site, and if one or two upper storeys are allowed, it will be possible to accommodate 150 passengers or more, and there will not be the necessity of having recourse to legislation of the kind that is now before the Council.

The Honourable Mr. G. S. Curtis:—Is the honourable member under the impression that that hotel to accommodate 100 beds can be constructed without any amendment to the law?

The Honourable Mr. Phiroze C. Sethna:—Most certainly, if the land is leased out as I propose. If the Port Trust advertises to-morrow that the land will be leased out for the purposes of a hotel, with the reservation that a certain percentage of the rooms are to be used for no other purpose except for accommodating ocean-going passengers, I contend that it will be taken up at once on those terms. There will be not one but a dozen applications, and all that is wanted to improve the facilities of the trade as the statement of objects and reasons has it, is not to put up a hotel for 400 passengers but for about 150 at the most. If the Chairman tells us here that he accepts my suggestion and will bring forward such a recommendation, I will perfectly agree with him. If he

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does not, I cannot see my way to support the bill. He will say that it does not all lie with him, and an assurance from him to that effect in this Council will be of no use if the Trustees reject it. But a capable Chairman like Mr. Hatch can influence his colleagues a great deal by his own views as he has already done. If, therefore, when he speaks he is prepared to accept my suggestion of having a permanent hotel built by a lessee on the site outside ths Alexandra Docks, then I can see my way to support the bill. But, if he insists, as I think he does, of getting this bill passed for the purpose of having a large hotel on the site now proposed, not only will I not support the bill, but I would like to point out to the Council and repeat most emphatically, that it will be a serious mistake, for it will result in a recurring loss to the Port Trust, and bring about congestion in a locality which ought to be kept free and open. I say, therefore, that if the Honourable Mr. Hatch is prepared to say here to-day that he does not intend to encroach upon that large plot of land and put up there a hotel for 400 passengers, I am prepared to support the bill, otherwise, I repeat that I shall be sorry to vote against the first reading; for it will be manifest then that the bill is introduced not for establishing a principle, but for carrying out a particular project of the chairman in regard to which the Trustees themselves are divided in opinion, and the chairman's own principal officers who have been longer connected with the Trust than himself are opposed to it as not being in the interests of the Trust.

The Honourable Rao Saheb H. D. Desai:—Mr. President,—As a member of this Council, I think, it is my first duty to see whether the proposal has been placed before the Council in a way in which it ought to have been placed. We are asked to give power to the Port Trust to embark upon a very costly undertaking. As to what will be the cost of that undertaking no one is able to give us any definite idea. As to what would be the loss on it also, no one is able to give us any definite idea. Now, I think that when any legislative sanction is asked for or any power is sought to be taken to incur any expenditure on a very large scale, this Council ought to require, in the first instance, of those who wish to take that power, to say as to what will be the capital cost of the undertaking and the recurring cost in the shape of losses or otherwise. If you turn to section 68 of the Port Trust Act, which is sought to be amended by the insertion of clause 7A, you find there a proviso that when the cost of a work exceeds more than Rs. 2,000, without a plan and an estimate the Board cannot do anything, and when the estimate exceeds Rs. 2,00,000, the Board has to come to Government. Then, sometimes Government have to come to the legislative assembly to take certain power for the purpose of incurring certain expenditure by way of capital outlay and recurring cost. If that is the case, is it not incumbent on the part of the Board or of Government, when they seek to take that power by amending section 68 of the act, in the first instance, to place before this assembly a proper estimate of the cost that will be incurred, and give an idea as to whether it will end in loss or profit? The Honourable the Advocate General says that the question lies in a nutshell. I also say that the question lies in a nutshell. The point is that the Port Trust authorities will have to find the money by a loan. When local bodies require a loan, Government want several details of the scheme, as to sinking fund, payment of interest, estimates, plans, and a great many other things. Here, the Port Trust is also a body similar to a local body like a local board or a municipality, and yet Government have come before the Council to give powers to the Port Trust by amending the act, without putting before the Council any data. What did we find yesterday? His Excellency was good enough to explain the whole position of the development scheme, and give us a fair idea of what they intended to do, and in that way took this Council into his confidence. As regards this bill, we do not find anything of the sort. No estimate is placed before the Council, and the Chairman of the Port Trust, or any other officer if he is referred to, is not able to give us any idea as to what it will be, and from what I have gathered from the Honourable Mr. Sethna, I find that the cost would be double that estimated by the Honourable Mr. Hatch. The question is, as His Excellency said, whether the Port Trust ought not to afford terminal facilities. As regards that the Honourable the Advocate General said that the Port Trust authorities ought to afford such facilities, and that hotel accommodation falls within those facilities. As for precedents, he was unable to give any, except that of a railway which was the owner of a dockyard. But that was a doubtful precedent, and no other precedents have been forthcoming. Then, the next question would be that, if hotels do fall within the purview of terminal facilities, then the question would be, whether the management of hotels by Government would be a paying business. Government have been known to be very bad managers with reference to these matters. I had it from Government officers, who had to admit that Government are a very costly machine.

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The Honourable Mr. G. S. Curtis:—Therefore, does the honourable member mean to say that the Port Trust should not have a hotel?

The Honourable the Vice-President (Sir G. Carmichael):—I understood the honourable member to be discussing the question of Government management. In this case, there is no such proposal.

The Honourable Rao Saheb H. D. Desai:—I do not make any great difference between a Government department and a quasi-Government department like the Port Trust, because the latter is managed through a chairman who is himself a member of the I. C. S., and Government departments are also managed by members of the I. C. S. Though perhaps the Port Trust may not be exactly a part of a Government department, it is a quasi-Governmet department, and it is run in the same way in which a Government department is run, and I think that if the Port Trust is going to have a hotel, certainly it would be a very costly management. Consequently, it is a very serious question for us to consider whether we should give this power to the Port Trust.

There is one other question which I would not have referred to ordinarily, but as we are confronted with a question of giving power to the Port Trust, I am constrained to refer to it. It is this, that all along, for so many years, it has not occurred to anybody to give terminal facilities to passengers going out of Bombay harbour, or coming into Bombay harbour, but when the ocean-going passengers found a difficulty, then it becomes a matter of concern to the Port Trust to consider about the comforts of that particular section of passengers, and not to think of the sea-going passengers, either coming in or going out. So that, if you think that terminal facilities include hotels and management of hotels, then you will have to consider the question as a whole. You will have to consider the case of not only ocean-going passengers, but that of sea-going passengers and coasting passengers also. You will have to bring in a bill properly framed, in order to meet those difficulties, and then this Council will consider it, if it is properly accompanied by an estimate. At present, what do we find? The difficulties of the coasting passengers to Kathiawar, Dwarka, and other ports have up to now had no consideration. But, on account of the difficulty of hotel accommodation for ocean-going passengers, the Port Trust wants to look to their convenience, and then Government brings in a bill of this limited character. Certainly, if you think that terminal facilities ought to be given by the Port Trust, consider the question as a whole, and bring in a bill which will meet the whole difficulty. Since this bill does not meet the whole difficulty, we must throw it out, and I, therefore, oppose the first reading of the bill.

The Honourable Mr. Harchandrai Vishindas:—Mr. President,—Even at the risk of being called meddlesome or interfering with a business with which I have no concern, I crave your permission to say a few words on the subject. I will first address myself to the question as to whether the opposition is opportune at this stage of the proceedings, namely, the first reading of the bill. Times out of number it has been shown that there may be differences of opinion as to details, but when there is unanimity about a particular measure being passed on general principles, then the first reading of the bill should not be opposed. I think that is not the position in the present instance. This bill is not like yesterday's police bill which consisted of two clauses, one relating to the appointment of superintendents and the other relating to smoking and spittting, so that whilst one was quite in sympathy with the passing of the measure as regards the first part, although he was against the second part, still his position should have been to pass the first reading of the bill. Here, however, there is only one clause and nothing more, giving power to the Port Trust to erect a hotel. I think, this is the proper time for members of Council to say whether they are in favour of this clause or not. Because to say that the first reading of the bill should be passed and opposition centred upon the measure when it comes up for the second reading, would be tantamount to this, that the members having committed themselves at the first reading—the majority of them at any rate—to this very clause, if they opposed the second reading, it could be very easily argued that they were stultifying themselves by saying one thing at first reading and another at the second, blowing hot and cold. Therefore, I submit, Mr. President, that we should bring our opinion to bear upon the subject and come to a determination now, whether this measure should be allowed or disallowed. After careful consideration I have come to the conclusion that it should not be passed. I will not repeat the grounds which have already been traversed by so many members. I shall take up one or two points.

In the first place, the Honourable the Advocate General said: never mind if the hotel is run at a loss; considering everything, the Port Trust would be gainers. I challenge

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that proposition. He said that if proper facilities were given by the Port Trust in the matter of hotel accommodation, the trade of this country would be greatly advanced. Now, is it conceivable that because there is no hotel accommodation provided by the Port Trust, there will be less traffic and less travel than if there were greater facilities in this direction? I am very doubtful of that. If anyone wants to come to India from abroad for the purpose of opening trade relations in India, he will not be deterred from his object simply because there is no hotel accommodation provided by the Port Trust of Bombay.

Another aspect of the question is this. Why should a body, a local authority, the Port Trust—for the matter of that, the Municipality, or for the matter of that, the Improvement Trust—assume the duties of inn-keepers which are entirely outside the nature of their functions for which they have been originally constituted? I will not deny—I think it will not be honest to deny—that real hotel accommodation is very scanty in Bombay, and requires to be supplemented. But then there are other ways of meeting the difficulty. The Honourable Mr. Sethna has told us that if offers were made, people would be coming forward very eagerly to purchase or take on lease Port Trust property for erecting a hotel. I think, the endeavours of the Port Trust ought to have been directed to see, whether people are not coming forward to take up sites if offered on easy terms. If those efforts had been entirely exhausted, there would be some justification for the Port Trust to ask for the powers that they are now doing, although I would not go the whole hog by endorsing that proposition either. I think the purposes which the Port Trust have in view for seeking this legislation and getting these extra powers can be easily served by letting sites to private enterprise. That is the proper thing to do.

I am entirely at one with the Honourable Rao Saheb Harilal Desai in what he says that you cannot expect management on those economic and business lines from men either of Government departments or Port Trusts or municipalities as you would from men of private enterprise. Men of private enterprise would always see to it that the concern pays them as it would directly touch their pockets, whereas the local bodies of the nature I have described would run the management by their servants and officers who would not be particular about carrying on the management on remunerative lines. That objection which the Honourable Rao Saheb Harilal Desai has taken should not be treated lightly. It is a very serious objection indeed. Therefore, I think, the proposed legislation is rather unnecessary and is burdening the Port Trust with functions which ought not to be within its province, and it is again burdening the Port Trust funds with responsibilities which they ought not to bear and which, I think, the people who contribute to those funds would not like should be borne by the Port Trust. And we have been told by facts and figures quoted by the Honourable Mr. Sethna that it is impossible at the present juncture to arrive at any definite figures either of the cost of this hotel or its maintenance charges, and that it may run on to anything beyond a crore of rupees. That being so, I think, it is not fair to the contributors of the Port Trust funds that their money should be frittered away in this manner. Therefore, sir, I strongly oppose the first reading of the bill.

The Honourable Mr. Munmohundass Ramji:—Sir,—I also rise to oppose the first reading of this bill, because, I think, that there are no proper materials placed before this Council by the Port Trust for them to gauge whether the powers that are asked for are really necessary for the development of trade and commerce of this city. I consider that the prime duty of the Port Trust is to see that proper facilities are given for the accommodation of trade and commerce. I remember, sir, that there was a time when the stock of piecegoods in the godowns of the Port Trust had risen to more than a lakh of packages. There was a sort of notice then put up by the Port Trust that people should clear their goods earlier and more frequently as there was a shortage of room. The war came in the meantime; the imports were checked, and that difficulty was temporarily removed. But, I think, when we get to the normal conditions of trade, the same difficulty will be experienced. Is it not right, therefore, that the Port Trust should foresee this difficulty and prepare for that, instead of borrowing money for carrying out a business which to my mind is not their legitimate business, but simply to prosecute an imaginary idea that more passengers would be attracted if proper facilities were given to the incoming and outgoing passengers? The main object of the Port Trust should be to see that trade and commerce increase and not to provide increased facilities to travellers. There are commercial travellers, but there are other sorts of travellers also, and it would be very difficult to distinguish between them. And even if we put up a hotel, it is doubtful whether the Port Trust can compete with the hotels which are managed by private enterprise.

We are told by the Honourable the Advocate-General that the profits derived by the coming in and going out of passengers, will more than recoup any loss that may be

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incurred by keeping lower charges resulting in any slight loss. I say that it is not right for the Port Trust to compete with private enterprise in the matter of hotel accommodation. The result of such competition will be that private enterprise will suffer, and it will only add greatly to the shortage of accommodation for passengers.

Then again, I say it is not a paying proposition at all. The Chairman of the Port Trust has informed us that one of his friend architects—or perhaps it is the Port Trust architect—has roughly estimated that the cost will come to about Rs. 50,00,000.

The Honourable Mr. Sethna has told us that the price of labour and building materials has gone up three times since the Taj Mahal Hotel was built about 20 years ago at a cost of Rs. 30,00,000. I say it has gone up more than three times. When we take this fact into consideration, it is clear that the loss is not going to be a small one. Indeed it may be a heavy loss. Besides, the Port Trust has more important duties to perform than embarking on a losing business. I say, therefore, that it is not right for a body like the Port Trust to come before this assembly and ask for powers without themselves knowing the exact position into which they will be launched by acquiring these powers. It is, thus, all the more necessary for the Council to hesitate before they give their sanction to this proposition.

Now, there is another point that was very rightly referred to by two of the previous speakers, the Honourable Mr. Desai and the Honourable Mr. Paranjpye, namely, whether any facilities in the way of accommodation are ever sought by anybody for another class of passengers who have to go from port to port. I know that sometimes passengers coming from Ratnagiri and from other interior ports, and from other ports, have to wait for days together in sun and rain, and even simple waiting rooms or any other sort of protection is not afforded for them. Then why is there such a haste to provide for wealthy passengers who can spend any amount of money for coming to Bombay and take advantage of Bombay?

The Honourable Mr. G. S. Curtis:—Will the honourable member refer me to any provision in the Bombay Port Trust Act which would enable the Port Trust to provide for accommodation for such passengers even if they wish to do so.

The Honourable Mr. Munmohundass Ramji:—As the proposal comes from the Port Trust, I ask, whether it is not the business of somebody to accommodate a certain set of passengers. There is another set of passengers and there must be somebody who should look to the accommodation and comfort and convenience of these passengers. Therefore, I put in this argument that there is another set of passengers and to them some facilities ought to be afforded. In the absence of that why is there this haste of providing for only one particular set of passengers?

Now, it is proposed that only fifty lakhs of rupees are to be spent on this hotel. Taking that figure, I ask, whether it is possible to meet the real needs of the port in the matter of affording accommodation to all the passengers. I say that it is not possible to do that within that sum.

Then there is another thing, namely, that it is not the duty of the Port Trust to launch into competition with private enterprise, and therefore, if the Port Trust are so keen about affording accommodation for ocean-going passengers, then I say the best mode would be for the Port Trust to lease out their land on favourable terms to any syndicate or any company on easy terms, and provide in the lease for all the necessary conveniences and comforts of those passengers for whom the concession is proposed to be given. That lease would not be grudged by anybody. But here is a scheme the extent of which is not known to anybody. It is in the air. It may amount to two crores of rupees. After the proposed power is conferred on them the majority of the Trustees, as they have done now, may be willing to spend even that amount and they may get the sanction, and the public may be saddled with this heavy cost of the scheme. And who will be the class of people who will be made to bear this burden? The trade and commerce. Of course the more we burden the trade and commerce, the more it is difficult for them to compete in these days of world competition, and it is but right that we should see that the port of Bombay should be as cheap as possible, if not cheaper than any other port in India. If we are going to saddle more cost on the Trust and make the trade and commerce to pay for it, then I say it is not a businesslike proposition. With these words I oppose the first reading of the bill.

The Honourable Mr. G. K. Parekh:—Mr. President,—I should like to add my voice to the voice of those who have preceded me in opposing the first reading of this bill. I shall shortly state my reasons for doing so.

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I should think every honourable member of this Council should form his opinion about this measure upon the basis as to what action he himself would have taken if the property in reference to which he is now called upon to form an opinion, were his own property. How he, as a prudent and reasonable man, would act if the property were his own? The Council will note that the bill wants to give general powers to the Port Trustees.

No area or the extent of the land which is required for the new works is specified. It is not shown how much land the Port Trust owns and where the land for the proposed hotel and other buildings is to come from. No approximate estimate is placed before the Council as regards the cost of the construction, and the equipment of the hotel and the other buildings which it would be necessary to provide for. There are strong differences of opinion as to the amount of accommodation which the hotel should provide. There is no idea whatever, or at all events, the figures are extremely doubtful, as to the amount of profit or the amount of loss which would result upon the trust in consequence of the amendment being sanctioned. I ask, whether under these circumstances you would expect any reasonable and prudent man to plunge into such a scheme and ask his manager to proceed with the work.

I submit, sir, that no reasonable man would be inclined to do this, and I think it would be very unreasonable under the circumstances of this case that the bill should be pushed forward.

The other thing to which I have also to draw the attention of this Council is that the trade of Bombay is in course of development. The development that the trade requires has not yet been completed. We do not know whether some of the places on which it is proposed to build this hotel may not be required for the development of the trade or for other purposes for carrying out the real objects of the Trust. Is it not possible that some of these places may be required for some of the very purposes of the trust and would not be available when so built upon for carrying out more important objects?

I would also draw the attention of the Council to the fact that under the conditions as they exist it would be necessary to consider what the effect of this measure would be on the different communities that inhabit the big city of Bombay. Fortunately for us those questions which are very common in other parts of India do not appreciably exist here, and if this Council decides that a differentiation should be made between the accommodation for passengers who travel in this country from those who have resort to ocean travelling, I am afraid feelings which exist elsewhere may also be introduced into Bombay. I should therefore ask that the first reading of this bill be not proceeded with.

The Honourable Sheikh Ghulam Hussein Hidayatallah:—Sir,—I do not agree with my honourable friend Mr. Harchandrai when he says that even if there were no sufficient hotel accommodation, and no sufficient convenience for passengers, yet they would come to Bombay. I am afraid there is a great deal of inconvenience and that the trade of Bombay will suffer for want of proper convenience.

Another point that my honourable friend Mr. Harchandrai raised is that no other body will do the catering like the Port Trust. I might remind my honourable friend Mr. Harchandrai that in the mofussil there are maintained dak bungalows by the district local boards. They are equipped by the district local boards though they are leased out, and the catering is done by the lessee. At the same time there is no distinction made between the passengers that visit those dak bungalows. All kinds of passengers, whether railway or ocean-going, take advantage of them.

Now after hearing the speeches of my honourable friends I have changed my mind considerably, and I really cannot understand why this hotel should be for the convenience of ocean-going passengers only. Why should it not be for railway and other passengers as well?

I have heard the Honourable Mr. Sethna, and unless I hear something in reply from the Chairman of the Port Trust, I am afraid, I shall have to vote against the first reading of this bill.

The Honourable Mr. G. W. Hatch:—Sir,—I do not wish to traverse again the ground or to repeat the arguments that I used this morning. The honourable gentleman in front of me (the Honourable Sheikh Ghulam Hussein Hidayatallah) asked why the proposed hotel should be exclusively for ocean-going passengers. I am afraid he is under a misapprehension. The words used in the proposals put up by the Trust were that the hotel should be primarily for ocean-going passengers. We shall certainly not refuse passengers coming to us from Karachi or any places between Bombay and Karachi.

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It seems to have been assumed by the Honourable Mr. Sethna that the 280 rooms which—it is said—this problematical hotel will contain, are essential to the proposal that I as Chairman of the Port Trust have submitted to Government. I should like to explain the history of the proposal. The idea occurred to myself and Sir Lawless Hepper sometime about last Christmas. I brought it before the board. The board decided to consult an eminent architect, Mr. Wittet. We asked him to consider and report on the suitability of this site which lies parallel to the existing station building; we also asked him to consider an alternative suggestion that a hotel might be erected on the station building which we intend to erect over the platforms where the trains are pulled up. He considered both and gave us a favourable report regarding the site running parallel to the present station building.

He told us that he considered it possible to build on that site a hotel which would contain some 280 rooms and that such a hotel in his estimate would probably cost us Rs. 50,00,000. That was as far as we went then into the question of what accommodation the hotel should provide or what its cost might be. We have never, so far as I recollect, in any committee or meeting of the board entered into any detail as to the appropriate number to be catered for, nor the expense to which we were prepared to go, nor even how much of the Ballard Pier site would be actually required. The Honourable Mr. Sethna apparently after a recent visit to the site has come away with the impression that it would not be suitable for the hotel. He ought to be aware that the trustees discussed that point and considered it very carefully, and came to the conclusion that it was possible to use the Ballard Pier site without undue congestion which is naturally the last thing they would be prepared to have there.

Another suggestion was made by various speakers, and that was that we should provide a site and allow a syndicate to build a hotel. That was a proposition that appealed to a good many of us, to myself particularly, because I thought a good deal of worry would be saved to myself and the officers of the Port Trust if the whole business of the construction of a hotel could be handed over to a syndicate. However, the trustees after anxious consideration came to the conclusion that it would not be right for them as trustees of the port to allow outsiders to erect a large building on the Ballard Pier, our chief passenger landing place; they decided that the control of any such building must remain in the hands of the trustees. That was the deliberate conclusion we came to, and therefore, we had to come to Government with this bill.

One more point, with regard to the coasting steamer passengers. Various speakers have remarked that coasting steamer passengers have had no facilities provided for them at all. Where they obtained their information I cannot imagine. If they visited the Alexandra Dock Harbour Wall they would see that we have provided fairly good facilities there for the convenience of passengers.

There are three large waiting rooms there. Recently we were asked by the Bombay Steam Navigation Company to provide some special accommodation for their higher class passengers and we have provided it.

The Honourable the Vice-President (Sir G. Carmichael):—Is there accommodation at the two bandars, the Lakdi Bandar and the Carnac Bandar?

The Honourable Mr. G. W. Hatch:—No passengers are landed at the Lakdi Bandar; at Carnac Bandar there is a shed which is used by passengers. But the chief passenger traffic goes to the Alexandra Dockyard, and there we have recently erected several sheds for passengers. Within the last few months we have spent considerable sums of money in providing certain shops or eating houses there. Well, I am afraid if this Council refuses to accept this bill, all that action of the Port Trust will be illegal and we certainly shall not be able to provide any further buildings for these passengers. Up till recently we had not troubled to obtain any legal opinion on our action. We have now obtained one and that opinion clearly shows that we cannot put up any buildings in order to afford facilities to passengers under the act as it stands.

The Honourable Mr. C. V. Mehta:—Mr. President,—I am afraid we have got to address ourselves on this question to the scheme that has been put before the board of trustees for the port of Bombay. I do not think we can confine ourselves to arguing the abstract principle only whether the Port Trust should have the power that is asked for or not. That is a matter to which I will refer later. But as regards the scheme as it has been put forward before us, it has been rightly pointed out, that no estimates have been formed and no plans have been considered, and we are only told that a site was selected and that a building thereon, in the opinion of a well-known architect, would cost somewhere near 50 lakhs of rupees. I think, Mr. President, it is necessary

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for me to read the opinion of the various officers of the Port Trust who were consulted as to the suitability of the proposed site for a hotel. It is necessary for two reasons, first, to show that it is not desirable in their opinion that the site should be so used, that they consider that the facilities of the port would be considerably curtailed if the site were so used, and secondly, it will show that in spite of the deliberate opinion of these officers a majority of the board came to the conclusion that they should use that site for erecting a hotel there. That shows they have made up their minds to build a hotel there. The opinions of these officers are as follows :—

The Docks Manager expresses the opinion that until sufficient experience has been gained of shipping requirements in the Alexandra Dock under normal trade conditions, the land adjoining the West Wharf, Ballard Pier, should not be allotted for purposes of a hotel. Then follows the opinion of the Port Officer, saying he thinks it probable that when the West Wharf is used for shipping, the adjoining site may be required for sheds and railway sidings, and he is therefore not in favour of erecting a hotel. The Chief Engineer says that at present no large building, other than perhaps a single storied shed, should be erected on the site as it is difficult to foretell for what purpose the wharf may be required in future years.

The Honourable Mr. G. W. Hatch :—There is a further opinion, which the honourable member might also read.

The Honourable Mr. C. V. Mehta :—Yes ; the opinion that follows is the opinion of the chairman (laughter).

The Honourable Mr. G. W. Hatch :—There is the opinion of the Railway Manager.

The Honourable Mr. C. V. Mehta :—Yes, I will read it. It is as follows :—

"If it is decided not to take any lines to the west of the mole we shall certainly have to widen our west platform and put in another line. This will not fit in well with the design but could be done. In the original designs I left space between the main line leading to the mole and the wall of the Ballard Estate for two lines for stabling purposes and this ground has not been encroached upon, as far as I am aware, These two lines will, I think, be enough for some time for stabling. The existing platforms, even with the space for extensions, are not enough for troop trains. They will have to be lengthened and the approaches adjusted and signalled. If the ground floor of the proposed hotel is kept as a trooping shed, etc., there appears to be no objection to the site being used as a hotel. I see no reason why the railway lines should not be taken under the hotel. They would not be often used and there would be no more noise than at many other places."

I have quoted, sir, all the opinions that are mentioned in the minute. It is perfectly evident that three responsible officers at least of the Port Trust definitely gave their opinion that the land should not be used as a hotel. The acquiescence of the Railway Manager is very half hearted. Furthermore, sir, one of the trustees—a very prominent trustee—of the board, Major-General James, said he was doubtful whether the area of the site was sufficiently large to accommodate a hotel of the type proposed by Mr. Wittet without unduly crowding the Ballard Pier. Yet we find that the majority of the board including the gallant General voted for the hotel. That being the case, it is necessary for the Council to consider whether the much talked of facilities that have been mentioned will accrue. It seems to me, Mr. President, that the point which the Honourable Mr. Munmohundass raised is an important one. If the hotel is bound to lead the trust into a loss, and if that loss is going to be anything like what the Honourable Mr. Sethna estimates, namely, Rs. 5,00,000, then the cost to the trade would be proportionately increased and the trust would put on more taxes. Is it then going to lead to any encouragement to the trade coming to Bombay if a tax is to be imposed on them to recover Rs. 5,00,000 a year?

Let us now consider, sir, what the Honourable the Advocate General said. He said that on general principles we should look at the proposal from a broad point of view and see that the trade will benefit indirectly even if there be loss on this specific venture. I would like to ask him why it is that in no other ports in the world excepting the one that he mentioned, and that indeed was in conjunction with a railway terminus, no one of those ports has thought of bringing in indirect revenue by putting up a hotel. He complimented the board on their business capacity. I am certain he believes that the Railway Board is composed of equally hard-headed persons. Why does it not appeal to the Railway Board to put up hotels and indirectly increase their revenue instead of putting up 3rd class fares? It seems to me that it is a point which ought to be vigorously pressed by Government.

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I pointed out this morning, sir, that in my opinion the cost, if there is going to be a loss, ought to be spread over the whole country and it ought not to be inflicted on the trade of Bombay alone. The ocean-going passengers are going to roam all over the country, and I see no reason why the cost should not be met by the railways, which as I said are more or less nationalized. The whole question seems to me more a question of housing than of facilities for the port. If it had been a natural duty of the Port Trust to provide hotels, then I am perfectly certain that legislation would have given that power to other bodies in England and in India. But it is not a duty of the Port Trust. It is a question more or less of housing. I venture to think, sir, that it is not the business of the Bombay Port Trust to go in for housing. But if it is contended that housing is the main point which the Port Trust are to attack, then I think, sir, that charity ought to begin at home, and the Port Trust should make provision for all their own employées. I may dilate on the figures to which I réferred this morning. I think it is a sad tale, and I am afraid that if we contrast the expenditure that has been made on the housing or lack of housing of a very large number of people, no other conclusion can be come to except this, that an expenditure of 50 lakhs to a crore of rupees for the temporary convenience of a certain number of ocean-going passengers ought not for a moment to be allowed to take precedence of the housing of the thousands of the employees who serve the Port Trust.

I had these figures, I may tell you, sir, through the courtesy of the Secretary of the Port Trust. I asked him what the expenditure was that had been incurred by the Port Trust on the housing of the superior as well as the inferior staff. The superior staff numbers at present 1,989 persons, including officers and clerks. The number housed is 367; the proportion of those housed is 18·45, and the expenditure is Rs. 16,26,332. Similarly, for the inferior staff, including workmen and labourers, the number employed is 13,275; those housed are 3,826, exclusive of lascars. The proportion housed is 28, and the expenditure on housing is Rs. 16,89,000. Now, I submit, sir, that if, as I understand, it is the duty of the Port Trust to house if not the whole, at all events, a large majority of their employees, then the amount that will be required for that purpose, on an estimate based upon these figures, will be considerably over a crore and a half of rupees. Twenty-eight per cent. of the inferior staff housed took Rs. 16,89,000 in times when building was cheap. It is an easy calculation to say that for the rest at least Rs. 75,00,000 will be required. Similarly, for the superior staff, only 18·45 per cent., that is roughly one-fifth have been housed, and the cost has been Rs. 16,26,000. The remaining would take, on these figures, something like Rs. 80,00,000 at the lowest figure. So that, sir, you will see that an expenditure stares the Port Trust in the face to the tune of about a crore and a half of rupees, and I venture to think that the claims of those officers and the claims of the subordinates are very much more pressing than the temporary convenience that is caused to the ocean-going passengers.

What is the effect of not housing these officers? We have found what it is in the case of various public bodies, and it is the same in the case of the Post Trust. Their salaries have to be raised, and not only that, but other allowances for housing have to be given to these officers, and the indirect loss that is borne by the Port Trust in this way is very considerable. I am leaving out of count the large staff that is at present being recruited and that will be required by the Port Trust for the very extensive schemes that are before them, involving crores of rupees, and if you take into consideration the number of that staff, the amount that will be required for them will be very considerable indeed. I do not think that it is proper that we should spend funds to the extent of anything between Rs. 50,00,000 to a crore of rupees, when we have to leave unhoused such a large number of the Port Trust's employees.

I will now refer, Mr. President, only to one further point, and that is that if it were merely a question of giving the power in the abstract to the board, then perhaps we would not have gone into so much detail, and placed before the Council all these facts. But, constituted as the Board of Trustees is at present, it seems to me that if this power were to be given to them, then there is no saying to what extent and in what manner it will be used, and I therefore think that it is right and that it is the duty of those honourable members who are on the Board of the Port Trust, to place all the facts before this Council, so that they can come to a reasoned conclusion on this matter, and I hope that the conclusion will be nothing else than that, in the circumstances that are placed before the Council, they cannot see their way to support the first reading of the bill.

The Honourable Mr. Ali Gohar Bhutto:—Mr. President,—From what I have heard from the various speakers on the subject, I am thoroughly convinced that the giving away such a large power to the Port Trust to build a magnificent hotel is clearly a mere waste of the public money, and it is, therefore, that I rise to oppose the first reading of the bill.

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The Honourable Mr. Purshotamdas Thakurdas :—Mr. President,.....

The Honourable the Vice-President (Sir G. Carmichael) :—As the honourable member has already made a speech on the first reading, in connection with his motion for adjournment of the bill, under rule 14 he is not entitled to speak again.

The Honourable Mr. G. S. Curtis :—Mr. President,—I think perhaps I had better preface my remarks by reading clause 3 of the bill. It says :

"After sub-section (7) of section 68 of the said Act, the following sub-section shall be inserted, namely :—

> '(7A) The construction upon the property vested in the Board and the equipment, maintenance and management of such buildings, including hotels, as may, in the opinion of the Board, add to or improve the facilities of the port.'"

Now, sir, our discussion, after lunch to-day, was opened by the Honourable Mr. P. A. Desai, who asked what is the number of passengers arriving by sea from Gujarat and the Southern Division and Kathiawar. I could not answer the question. I cannot do it off-hand. I should be delighted to refer to statistics and do so. I entirely agree with his argument. The more the merrier, that is, whether it is a million or two millions, or more, it is entirely to my point. As the law stands at present, the Port Trust cannot put up one single *chappar* for any passenger who arrives in Bombay by sea.

(At this stage His Excellency the President returned and resumed the chair.)

The provision which it is proposed to make in the law entirely covers those facilities. As the Chairman of the Port Trust has said, the Port Trust have provided accommodation in the shape of sheds, refreshment rooms, waiting rooms, etc., for coasting passengers at Alexandra Docks. That, according to the opinion recently given, is entirely outside the four corners of the law. Therefore, if this measure is rejected summarily—I am not a member of the Port Trust—but I imagine, speaking as an ordinary man of the world, that the only course open to the Port Trust will be at once to recommend the closing down of all refreshment rooms, waiting rooms, and every possible convenience which is provided either at the Alexandra Docks or elsewhere.

The Honourable Mr. Parekh, as a very old and well-known lawyer, has enlarged on the responsibilities and duties of the Port Trustees. And he has asked, how would a man in this case act with reference to his own property I think there is only one answer, and that is that if the law declares that his maintenance of refreshment rooms, or waiting rooms, or sheds for coasting passengers was illegal, his duty would be at once to close them down; otherwise he would be liable to be proceeded against for breach of trust. So much for one thing. I want to go a little further.

Not very long ago, we had a bill brought up and placed with great eloquence in this Council by the Honourable Mr. Paranjpye. He referred to the matter more than once, and said that there should be a fund for the provision of facilities for passengers landing at coast ports. Now, one prominent advantage of the facilities provided at the expense of that fund, is the provision of dharamsalas, dak bungalows and similar facilities at various ports along the coast. I cannot for the life of me see what the difference is between the provision of a dharamsala for coasting passengers or deck passengers at Ratnagiri and the provision of a hotel for ocean-going passengers in Bombay. Both are provided out of public funds. In the case of the Port Trust the funds are levied and collected from all classes of the population, and in that way these particular facilities are provided. I cannot see how, having supported and constantly drawn attention to the desirability of utilizing the funds to the full for the provision of these facilities at coast ports, honourable members can get up to say that the provision of similar facilities in Bombay, though, I admit on a larger scale, is entirely outside the province of a body like the Port Trust.

I will now go a little further. The Honourable Rao Saheb Desai, I think it was, got up and said that no actual estimates and no proposals were placed before this Council. Now, sir, perhaps members of this Council will remember when the bill for southern ports came up, we had a large number of proposals, calling attention, and rightly, to the lack of facilities at Ratnagiri, Harnai, and at various other places along the coast. I do not remember that the Council refused to pass that Southern Ports Bill, because actual details were not placed before them. It seems to me that it is a new principle altogether. We are often charged.....

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The Honourable Mr. R. P. Paranjpye:—I rise to a point of order, your Excellency. I would like to point out that I brought forward a resolution and not a bill.

His Excellency the President:—That is not a point of order.

The Honourable Mr. G. S. Curtis:—I think the honourable member supported the bill when it came up. I may be wrong, but that is my impression. But, sir, I want to go a step further.

We have had various bills empowering local bodies throughout the Presidency to undertake certain duties and works, and I am sure the Honourable Rao Saheb Desai would be the last person to deny that local bodies do not include the Port Trust. These bodies are rather slow, and are rather apt to be tied up in red tape, and are inclined to boggle at responsibilities. Now, is the honourable member prepared to come here and say that no power is to be given to a local body to enter upon some big public work, unless full plans and estimates are placed before this Council? I leave the Council to imagine how long members of select committees of this Council will have to sit, if they are to go into the details of all the hotel and port projects which are undertaken by various bodies, out of the profits of the taxation authorized by legislation. It seems to me, sir, that it is an entirely new principle. Of course, in England we are familiar with the practice of the private bill. If the Port Trust wishes to start any particular undertaking, a bill is introduced in the House of Commons, which is referred to a committee, and after it is passed by a committee of lawyers, is brought up before the main body of the house. Now, sir, is it intended that the same procedure should be followed here with regard to any legislation brought up in this Council? Because, if we are going to have that procedure, it is going to mean that we shall have to have standing committees of the Council all the year round, and that so far from expediting the procedure, I can assure honourable members that the delays that will occur under the new system would be far greater than under our existing system.

Now, sir, there is one point more. What has been said? It is said that the plans and estimates are not ready. I have not the slightest doubt that it would be perfectly easy to get them ready. Suppose the Port Trust had paid the fee for preparing the estimates and brought them here before the Council. Would the opposition of the honourable members be any less? I submit, sir, that they would say: "Oh, you are trying to rush this thing. You have come here with the thing cut and dried. Those estimates have probably not been carefully considered. You come here with the thing ready and ask us to swallow it at once." I say, therefore, that the position would not be better in the slightest degree.

Then, as ordinary legal procedure stands, every local body, whether it is a Government department or whether it is a Port Trust—the Port Trust is not a Government Department, with due deference to the Honourable Rao Saheb Harilal Desai—has first to be given the power to raise money. Then the next check is the sanction of Government to the actual scheme and actual estimates. I do not think they should ask for more.

I think, I have shown so far that the objection that no accommodation has hitherto been provided for coasting passengers of the Indian class has no force. On the contrary, I have endeavoured to show that it is entirely on my side. Hitherto what provision has been made, has been made in violation of the law, and if the facilities are to be continued, an amendment of the law is absolutely necessary. Otherwise the mole station must be shut down to-morrow.....

The Honourable Mr. Purshotamdas Thakurdas:—Is there something like an audit statement of the accounts of the Port Trust?

His Excellency the President:—Does the honourable member rise to a point of order?

The Honourable Mr. Purshotamdas Thakurdas:—What I wanted to know, your Excellency, was whether.....

His Excellency the President:—Will the honourable member only rise to a point of order?

The Honourable Mr. G. S. Curtis:—Now, sir, a further objection has been taken by the Honourable Mr. Pandurang Desai—I think the Honourable Mr. Paranjpye—and by others that if a hotel is provided, there would be a discrimination exercised against passengers of Indian nationality. I speak subject to correction. I think the honourable gentleman spoke from experience. As far as I know, all the hotels in Bombay are Indian-managed, and if any discrimina-

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tion has been exercised against passengers of the Indian nationalities, I submit that the remedy lies in their own hands. As far as I know, I am not aware of any discrimination. In fact, in most of the hotels that I have been to, lately in Bombay, Poona and Mahableshwar, I have seen a very large sprinkling of Indian residents. Therefore I do not think there is much force in that argument. If there is any discrimination, it must be due to their own countrymen, and they have the remedy in their own hands.

Further objection is taken to the fact that the supply of passengers for the hotels might be fitful. I understand,—here also I speak subject to correction—I have not got the exact figures, but from what I have heard, the peculiar feature of this year's passenger season is that the rush of passengers has continued right through the hot weather and rains and that passengers are still hung up in Egypt trying to travel to India. Steamers are arriving and departing full. If that is so, I submit, sir, that the traffic is not fitful, but on the contrary it has reached such a high pitch that the possibility of hotels ever remaining empty is remote.

Now, sir, I have not very much more to say. But I should like to deal with the Honourable Mr. Sethna. The honourable gentleman after, I understand, considering the proposals for a period of something like two months in the Port Trust and voting in favour of it, has suddenly changed his front.

The Honourable Mr. Phiroze C. Sethna :—I have given my reasons therefor, sir.

The Honourable Mr. G. S. Curtis :—I do not know whether honourable members understood the Honourable Mr. Sethna's reasons. I found them very difficult to follow. He referred to the annual meeting of the Taj Mahal Hotel being held to-day and so on. But I do not wish to make any imputations. I confess, however, that his changing his front is to me extremely puzzling. He gave a mass of figures relating to hotels. They do not coincide with those placed before me lately. Perhaps he knows more than I do. In any case, they do not coincide. What I do want to bring home is this, that if the honourable member's figures are anything like correct, it is perfectly obvious that the position is really worse than what we thought. The bill only gives power to the Port Trust to erect a hotel. After five or six years when the reclamation is ready and when the terminus of the B. B. & C. I. Railway is removed from Colaba, and more space becomes available at a reasonable rate—shall we say Rs. 10 a square yard?—then, the Port Trust may consider the desirability of abandoning their hotel and converting it into office accommodation or other accommodation, which I am advised is a very easy process. Sir, if the costs of construction are as high as the Honourable Mr. Sethna has told us, and if it is really true that you have to allow 10 per cent. for interest and sinking fund, it is obvious that the situation is far worse than we thought. There can be no question of private enterprise coming forward and erecting hotels in Bombay. It cannot be done. The cost of building is so high. Therefore, what we are faced with is a prolonged period of hotel famine. If the Colaba terminus is moved and the Back Bay Reclamation is ready, we hope within six years—it may be ten years—if that is the case, then this prolonged dearth, this extreme scarcity of hotel accommodation is likely to continue for another ten years. In other words we are going to be in a far worse position than before. As the Honourable Mr. Macnaghten pointed out, restrictions on traffic exist at the present time to a very considerable extent, and various steamer companies have notified that they are not at present running their full complement. Before steamers can be put on for passenger service, they require repairs owing to the strain put on them during the war. We hope that we will soon have the P. & O. and other big lines running their service with the same regularity and the same number of passengers as they did before the war. They are certainly not doing so at present. When that comes 12 months hence, the position will be far worse than at present. The number of passengers will probably increase by 30 per cent., and out of the three or four hotels now opened one will be converted to supply office accommodation, so that it will be lost for the purpose for which it was originally intended. Now, if that is so—I am not behind the scenes, probably the Honourable Mr. Sethna is—the position is very serious. If the Honourable Mr. Sethna's figures are correct, if the cost of construction is correct, it is perfectly clear that no private company will come forward to build a hotel now. It is not a speculation at all. It is a certainty that it will be a dead loss. In that case, what is to be the position of Bombay? Are we, we who claim to be the second city in the Empire, are we going to see passengers sleeping on the pavements or crowding round the workhouse for a night accommodation? After all, a great orator many years ago said—130 years ago—that the age of chivalry has passed and the age of economists and sophistry has arrived. I am not going to appeal to the chivalry of the Council, though the stories of tired women and children driving round Bombay in hack carriages in search of a lodging tempt me to do so. But I put it down on a lower commercial

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[*Mr. G. S. Curtis; Mr. Phiroze C. Sethna.*] [4TH AUGUST 1920.]

basis. I say it is a bad business to consider everything from a pecuniary point of view. If we are really going to draw a balance sheet with regard to everything in Bombay, where are we going to stop? The Band Stand and the Public Park, for instance, are concerns which are not likely to bring a profit. If you come down to rupees, annas and pies, both must be losing concerns. I would ask this Council: Are we really all of us going to look at this matter from that point of view? I confess there has been far too much tendency in this direction in the past. If only there had been less of this tendency and a little more regard for the amenities of life, it would not have been necessary for His Excellency to make the speech that he delivered yesterday.

I am straying a little away from my point. Honourable members come to the Council and say that the Port Trust are going to lose money over the present scheme. I do not believe, if reasonable care is taken, that the Port Trust will lose money. But, sir, in any case even if they do, it will, I hope, not be very long before the Port Trust will be able to convert the hotel to other purposes. I have not the slightest doubt that in ten years' time when the new docks are taken in hand and the Port Trust staff will certainly be more than doubled, they will convert the hotel building for their other purposes. I do not believe that the Bombay port is going to stand still. It will require increased staff and office accommodation, and if the hotel is not wanted as a hotel, it can be turned to other useful purposes.

One more subject. The Honourable Mr. Sethna has demanded—I am not quite sure how it is to be done—but I understand his point is that he is prepared to vote for this measure if somebody gives a pledge that the expenditure on the hotel is not to exceed a certain figure. Now, sir, I do not quite understand what he intends to do. But I take it that if the Honourable Mr. Hatch was prepared to undertake on behalf of the Port Trust, to pledge that the expenditure will not exceed five lakhs, he is prepared to vote for the first reading. That is what I gathered from his remarks.

The Honourable Mr. Phiroze C. Sethna:—I said nothing in regard to the figures. I said, I want an assurance from the Chairman of the Port Trust that he will not insist upon a hotel as large as he proposes and that he will restrict it to accommodation for one hundred or hundred and fifty passengers at the most.

The Honourable Mr. G. S. Curtis:—I hope the honourable member will excuse me for misinterpreting his remarks. If that is so, I think the obvious inference from the honourable member's remarks is that he is in favour of the principle of the bill provided the cost of the hotel shall not exceed five lakhs.

The Honourable Mr. Phiroze C. Sethna:—I said nothing with regard to figures. I said the site ought not to be used if possible. It would mean a severe congestion and further that there was one other plot available for a temporary hotel and that the hotel should provide accommodation for about 150 or 200 passengers and in that case, so far as I know, no amendment of the present clause is necessary. That was my point.

The Honourable Mr. G. S. Curtis:—I still fail to see why the honourable member opposes the present amendment of the act. As the act stands at present the Port Trust is not justified in providing buildings for hotels.

The Honourable Mr. Phiroze C. Sethna:—There is no necessity for amending the act if, as I contended, the Port Trust would care to lease to an outsider that strip of land which at present is reserved for a temporary hotel. More than one party will come forward to take that block and put up a hotel on it which will meet the wants of trade representatives for whom this hotel is meant.

The Honourable Mr. G. S. Curtis:—Well, sir, I will go further. The honourable gentleman has said that carriage traffic is likely to be impeded if this hotel is built. So far the opinions of the Port Trust officers are against him. There is the opinion of the Railway Manager who ought to know and who is sensitive to the provision of circulating space. In his opinion there will be no particular congestion of traffic.

Now, sir, one more matter and I have done. I find some difficulty in following the point made about the housing of the Port Trust staff. Up to date the Port Trust have, I believe, spent approximately about 40½ lakhs on providing quarters for their staff. The provision during the current year is 20 lakhs, and at the present moment they have under construction quarters for 52 superior and 222 inferior employees. I know something about housing now. If you want to tell me that the Trust are allotting in their budget a sum of a crore of rupees for the construction of houses for their staff, I should say that they would not be able to spend it. No public body could suspend all other work of

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every other kind in order to spend very much more than the 20 lakhs which they have allotted for these houses. I am surprised that they have spent so much. It is not an easy matter at the present moment to secure materials for the housing of the inferior staff. I think, probably employers of labour are aware of that, and the argument that because only 20 lakhs have been expended on housing for the inferior staff, therefore, nothing is to be done to provide facilities for people who pass through Bombay, seems to me to have no force.

Sir, we have had a lengthy debate on this point, and I venture to hope that this Council will take a broad view of the matter. After all, a lot of suggestions have been made as to the necessity of maintaining the fair fame of Bombay as the second city of the Empire. I am a citizen of London, but I am not proud of the incident which the Honourable Mr. Kamat mentioned that passengers who arrive there have to sleep on the platform. I think it was a disgrace to my own town. If I was a citizen of Bombay I should not be proud of the fact that a gentleman arriving in Bombay had to go to Karachi to secure a bed. I venture to submit that that is the point of view from which honourable members of this Council ought to look at the matter.

Bill read a first time.

The motion for the first reading of the bill was then put to the vote and carried the President using his casting vote. The Council divided as follows :—

Ayes.

His Excellency Sir George Ambrose Lloyd, G.C.I.E., D.S.O., Governor of Bombay, *President.*
The Honourable Sir George Carmichael, K.C.S.I., I.C.S., *Vice-President.*
The Honourable Mr. G. S. Curtis, C.S.I., I. C. S.
The Honourable Sir Ibrahim Rahimtoola, Kt., C.I.E.
The Honourable the Advocate General (Sir Thomas J. Strangman, Kt.)
The Honourable Mr. Salebhoy Karimji Barodawalla.
The Honourable Mr. P. R. Cadell, C.S.I., C.I.E., I.C.S.
The Honourable Mr. J. G. Covernton, C.I.E.
The Honourable Mr. R. E. Enthoven, C.I.E., I.C.S.
The Honourable Mr. G. W. Hatch, I.C.S.
The Honourable Mr. J. D. Jenkins.
The Honourable Major-General W. E. Jennings, M.D., I.M.S.
The Honourable Sardar Gulam Jilani.
The Honourable Mr. H. P. W. Macnaghten.
The Honourable Khan Bahadur Pir Baksh walad Mian Mahmud, C.I.E.
The Honourable Mr. P. J. Mead, C.I.E., I. C. S.
The Honourable Mr. L. Robertson, C.S.I., I. C. S.
The Honourable Mr. C. N. Seddon, I. C. S.
The Honourable Mr. H. O. B. Shoubridge, M.Inst.C.E.
The Honourable Mr. E. G. Turner, I. C. S.
The Honourable Mr. M. de P. Webb, C.I.E., C.B.E.

Noes.

The Honourable Mr. Dattatraya Venkatesh Belvi, LL.B.
The Honourable Mr. Ali Gohar Bhutto, son of Ghulam Murtaza, Bar.-at-Law.
The Honourable Mr. Pandurang Anant Desai, LL.B.
The Honourable Rao Saheb Harilal Desaibhai Desai, LL.B.
The Honourable Rao Bahadur Siddhanath Dhonddev Garud.
The Honourable Dewan Bahadur Kashinath Ramchandra Godbole.
The Honourable Sheikh Ghulam Hussein Hidayatallah, LL.B.
The Honourable Mr. Balkrishna Sitaram Kamat.
The Honourable Mr. Chunilal Vijbhukhandas Mehta, LL.B.
The Honourable Sardar Shriniwas Coopooswami Mudliar.
The Honourable Rao Bahadur Venkatesh Shriniwas Naik.
The Honourable Mr. Raghunath Purshottam Paranjpye.
The Honourable Mr. Gokuldas Kahandas Parekh, LL.B.
The Honourable Mr. Abdul Kadir *alias* Fakir Mahomed walad Ibrahim Khan Pathan.
The Honourable Sir Dinshaw Manockjee Petit, Bart.
The Honourable Mr. Munmohundass Ramji.
The Honourable Rao Bahadur Ganesh Krishna Sathe, C.I.E.
The Honourable Mr. Phiroze C. Sethna, O.B.E.
The Honourable Mr. Purshotamdas Thakurdas, C.I.E., M.B.E.
The Honourable Mr. Shridhar Balkrishna Upasani.
The Honourable Mr. Harchandrai Vishindas, C.I.E., LL.B.

VILLAGE PANCHAYATS' BILL.

[*The President; Sir Ibrahim Rahimtoola; Mr. Phiroze C. Sethna.*] [4TH AUGUST 1920.]

A BILL TO PROVIDE FOR THE CONSTITUTION OF VILLAGE PANCHAYATS (BILL No. XI OF 1919).

His Excellency the President :—A Bill to provide for the constitution of Village Panchayats (Bill No. XI of 1919), second reading. The Honourable Sir Ibrahim Rahimtoola.

The Honourable Sir Ibrahim Rahimtoola :—Your Excellency,—I beg to move that the bill to provide for the constitution of village panchayats (Bill No. XI of 1919) be read a second time. From the report of the select committee honourable members will have observed that the original bill has been considerably improved by the deliberations of the select committee. Many of the criticisms which were applied to the measure on the occasion of the first reading have been most carefully examined by the members of the select committee, and they have now put forward before you a bill with all those modifications and amendments which were considered necessary in the framework of the bill. The first criticism that was applied to the original bill was in regard to . . . . .

The Honourable Sir Ibrahim Rahimtoola moves the second reading of the bill.

The Honourable Mr. Phiroze C. Sethna :—May I point out, your Excellency, that a select committee has not been appointed?

His Excellency the President :—Order, order. May I remind honourable members to be careful to remember that, when an honourable member rises to make an interjection, he can only do so if the Honourable Member in Charge gives way or if the other member opposite him gives way? It is impossible for me to interfere if he does not give way. The honourable member who is standing up has the floor of the house, and I cannot interfere unless he gives way. It would greatly assist me in maintaining order if honourable members will observe that point.

The Honourable Mr. Phiroze C. Sethna :—May I point out, sir, that a select committee on the Port Trust Bill has not yet been appointed?

His Excellency the President :—The honourable member is not in order in raising that point now. He should not raise a point of that kind on this bill which is quite alien to the bill. We can appoint a select committee on that bill at any moment.

The Honourable Sir Ibrahim Rahimtoola :—I was pointing out, your Excellency, that the first clause of the original bill which elicited some criticism was as regards the methods for constituting a panchayat. It was urged that the district local board should be given some voice in the determination of the villages which should be constituted into village panchayats. In response to that criticism the select committee has amended clause 3 and it now gives the district local boards both the power of initiating and of expressing its views before a panchayat can be constituted. The power to constitute a panchayat has been given to the Commissioner, but he can only act on the initiative of the Collector or the district local board, and in any case in which either the Collector or the district local board moves him, he must consult the other authority. I hope honourable members will recognise that their criticism on this clause has been fully met.

The next question which led to considerable criticism was the constitution of the panchayat, and whether the patel should be an *ex-officio* member or not. There is considerable divergence of opinion on this question. Some honourable members hold that the patel should not be an *ex-officio* member and that the panchayat should be wholly elected. There is another set of opinions which holds that the talukdars, inamdars and khots should be substituted as *ex-officio* members in place of the patel. The majority of the select committee have decided that the patel should remain as an *ex-officio* member.

(At this stage His Excellency the President and the Honourable the Vice-President withdrew, and the Honourable Mr. G. S. Curtis occupied the chair.)

As there is a considerable amount of feeling on this subject, I propose to explain to honourable members the reasons why the majority of the select committee decided to retain the patel as *ex-officio* member. In this connection I should like to invite the attention of honourable members to the fundamental principle underlying this bill. Up to now in all local self-government enactments a substantial part has been reserved for nomination. The greatest proportion of election conceded to local bodies at present is two-thirds, while one-third of the members are nominated by Government. It was proposed as a substantial advance in local self-government matters to drop out the principle of nomination altogether from the panchayats and to have only one *ex-officio* member to provide the panchayats with some administrative experience in the initial stages of their working. It must be remembered that this is an experimental measure and that the villagers have as a rule no experience in the matter. It was, therefore, felt that the assistance of the patel as *ex-officio* member was very necessary as a contributing

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factor towards the success of the proposed experiment. The structure of the bill is based on this principle that the panchayats will practically be wholly elected, and that there shall be no nomination whatsoever. I repeat that this is the only local self-government enactment which is so far brought forward before the Legislative Council which does away altogether with the principle of nomination. If that view does not appeal to the Council, and the honourable members are in favour of altering the whole structure of the bill by introducing the dual system of election and nomination, it would be difficult to proceed with this measure. Assuming for argument's sake that the structure is altered and the panchayats are constituted on the principle of even four-fifths elected and one-fifth nominated, it will be interesting to examine what will be the effect. The bill lays down that the minimum number of the members of a panchayat shall be five. Therefore, if a panchayat is constituted on the minimum number of five and one-fifth nomination is provided, then there will be one member nominated by Government, who will most probably be the patel; so that there will be no actual difference. But this will be so only if the panchayats are constituted with the minimum number. Honourable members will have noticed that under the bill as amended the maximum number is left to the discretion of district local boards, which are local bodies, and on which a large number of elected representatives sit. If they constitute a panchayat of ten members, under the one-fifth nomination system Government would have the right to nominate two members, while under the proposed system only one member, the patel, remains *ex-officio* and all the remaining nine are elected. Supposing a district local board constitutes a panchayat with fifteen members, still there remains only one *ex-officio* member, the patel, and all the rest would be elected, instead of one-fifth being nominated members whose number would automatically increase if the total number of members of the panchayat is increased by the district local board. It will therefore be apparent that the principle of nomination to the small extent of only one-fifth would bring about a larger number of nominated members, which would include the patel, while in the present bill only one-fifth of the minimum number of members of the panchayat will be represented not by nomination but by virtue of his office. It is, I think, conceding to popular opinion, a substantial step forward. I hope honourable members will realize that only one *ex-officio* member remains who is not elected, whatever be the total number of members of the panchayat. It does not automatically increase as under any system of nomination it would increase.

There is another aspect of the question to which I should like to invite the attention of honourable members in this connection, and that is that the select committee have recommended that the words "if any" be added after the words "officiating patel." Two amendments have been made by the select committee in this clause. The first is that it shall be the revenue patel who shall be the *ex-officio* member, and not the police patel, where there are two patels, and the second amendment introduced is that the patel shall be *ex-officio* member only in those villages where there is a patel. The effect of this amendment will be that in those villages in which there are no patels, the panchayats will be wholly elected, as the principle of nomination has been wholly dropped. The *ex-officio* member is only provided for in those villages where a patel exists, as the addition of the words "if any" signifies. The result will be that in a certain number of villages—a small number, of course, because it is an experimental measure—the panchayats will be wholly elected. I, therefore, think that the amendments introduced by the select committee in this bill are far-reaching and meet to a considerable extent the demand of some of the honourable members.

The next question which has led to a considerable amount of criticism is in connection with electorates. In that respect also I want honourable members to realize that the structure of the bill is based on one principle, that you can either have the structure which Government have placed before honourable members or a different structure altogether. You could not have a mixture of two different principles embodied in this bill. Honourable members are aware that the principle underlying this bill is the recognition of adult male suffrage. I do not think, though a certain amount of feeling has been expressed in the matter, that you can, in carrying out an experiment of this character, start from the bottom, that is, from the villages. Honourable members may be aware of the fact that when the Honourable Mr. Pandurang Desai brought forward his resolution for the admission of female corporators in the Bombay Corporation he particularly urged that the experiment should be made in the city of Bombay as being the most advanced part of the Presidency.

I can quite understand the position that the Honourable Mr. Desai took up on that occasion. But he now says that the principle of adult suffrage should be applied to villages in which even amongst the males illiteracy is widespread. It would hardly be right to make an experiment in that direction and court a clear failure.

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There are two points in connection with female suffrage involved in the bill. The one is the right of voting, and the other is the right of election. As regards the right of voting, in all local bodies at present females are entitled to vote, and if this bill were based on the principle of property qualification or qualification due to payment of direct taxation, as is the case in local bodies, there would be a clear case, and I would be the first to admit the right of females to vote. But if that is conceded, you must drop the bill on the ground of adult suffrage, and substitute for it, franchise on the principles of property or taxation. It has been proposed that you might have adult suffrage for males, but you must give the right to females on the property or taxation basis. I would ask the honourable member who has sent in such an amendment to realize this, that if his point is that there shall be no sex differentiation, his amendment actually emphasizes it, because a male secures a vote because he belongs to the male sex, irrespective of payment of any taxation or of holding any property, but that in the case of females he wants to lay down that she shall not be entitled to a vote because she is an adult female resident within the village, but because she holds property. Therefore, if the principle is that there should be no differentiation, you could not justify the amendment. So far as this bill is concerned, you cannot have half of the one and half of the other, because it militates against the very principle on which some members are very keen. It is for honourable members to decide whether they will have adult male suffrage to begin with, to be extended to adult females in course of time when experience has been gained, or whether they would prefer to go back on this bill. In that case, the bill will have to be withdrawn and a new bill on a property qualification both for males and females will have to be brought forward. The two principles are distinct. My personal view is that Government are putting forward before the public a measure of far-reaching importance from the point of view of local self-government, and they are, therefore, introducing the principle of adult male suffrage in villages to begin with, to be subsequently extended to females also, when experience has been gained, and in that way to extend the principle of adult suffrage to district local boards and municipalities, in course of time. If honourable members agree with my view that in the interests of the future of local self-government, it is desirable to make this far-reaching experiment of adult male suffrage to begin with in the villages, then they should accept the bill as it is, because, as I pointed out, you cannot have a mixed structure. You must have either the structure that Government have put before you, or have a structure on lines of existing local bodies, where franchise is subject to various qualifications, such as property, etc. I would appeal to honourable members that in the interests of local self-government, they should agree to establish the principle, in this province, of adult male suffrage to begin with.

The second point arising out of this issue is as regards the right of females to vote. Now, I ask honourable members to realize the conditions in the villages, and consider whether there is any possibility of any females being elected. As a matter of fact, the principle which I have explained on the first point also applies to this. If you want franchise on the principles of specified qualifications including both males and females, then only the question of females being elected would become a matter of practical politics. But that could not be so unless you alter the whole structure of the measure. It has also to be borne in mind that the question of female suffrage is going to be decided, so far as their right of election is concerned, under the Reforms Scheme, as recommended by the Joint Committee, by the new, enlarged councils. If they decide that females shall not have the right of being elected, females will not get that right. But if they decide, as I am personally in favour of deciding, that females should get the right of being elected, then *ipso facto* that will apply to all local self-governing measures, including the panchayats. It is not necessary now to raise that question, having regard to the entirely novel structure that is being raised under this bill.

The third point which arises in connection with this measure is the right of khots, jahagirdars and talukdars to be *ex-officio* members of the panchayat. The matter has been discussed at considerable length, and it has been felt that it would be very unwise to further reduce the proportion of elected members. That again would be altering the whole basis of the bill. In many cases, the jahagirdars and talukdars and inamdars are not living in the villages where panchayats will be constituted, and to give them the right of being *ex-officio* members or authorizing them to nominate their representatives would, in my opinion, militate against the principles for which this bill stands. In the various representations that have been received from the talukdars, they have put forward various arguments in regard to the detailed administration of villages and their rights. But they are forgetting one very important factor in connection with this bill. They seem to assume that immediately this bill is passed, panchayats will be constituted practically in all the villages in the Presidency. I hope honourable members will realize that such is not going to be the case, and that the safeguards that are provided in the

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bill in regard to the constitution of the panchayats are amply sufficient to safeguard their interests. Now, in regard to this matter, it has been said in one of the representations that the khoti villages have no patels. What would honourable members prefer? Would they prefer to have a wholly elected panchayat in khoti villages, or would they put in the khot as an *ex-officio* member? If you are feeling so very keenly about them, let them have a chance of showing what they can do. The safeguards are ample. The Commissioner is a high Government officer, and when he notifies under the act the constitution of a village panchayat, he moves on the recommendation of the Collector or of the district local board, and if either of these authorities move him in the matter, he consults the other. If the district local board has moved him, he consults the Collector, and if the Collector has moved him, he consults the district local board. You may be sure that when a largely elected body is associated in this manner with the constitution of the panchayat, any special considerations which may apply to special villages will be carefully examined before the panchayat is extended to those villages. I can quite understand that there may be a certain number of villages in the Presidency which may have special circumstances, in which it may be desirable not to expedite the constitution of panchayats, and you may rely not only upon the Collector, but also upon your district local board to put the Commissioner in possession of all relevant facts before a panchayat is constituted. I venture to submit that these safeguards amply provide for any panchayat not being constituted in undesirable places. After all, the selection of the villages for the constitution of the panchayats is an essential matter of importance, if this experiment is going to be a success. Honourable members will therefore realize that in all the points which have led to considerable discussion in this Council, the select committee has met, as far as could reasonably be done, their wishes.

The only point with which this bill cannot deal is civil and criminal jurisdiction. In regard to that, it is not my intention to detain the Council for any length of time. It is not a matter of practical politics, as the principle cannot be introduced in this bill. There are only one or two remarks which I wish to make, and they are in regard to what has been urged here on the occasion of the first reading. It was mentioned that in the Central Provinces bill, civil and criminal jurisdiction was provided. I hope honourable members will study the Central Provinces bill and compare it with this measure, and I am sure they will come to the conclusion that they will have none of the other. While we are aspiring ultimately to wholly elected panchayats and to adult suffrage, the Central Provinces bill merely provides for nominated panchayats.

(At this stage the Honourable the Vice-President resumed the chair.)

While in our case we have in every direction provided for control by a non-official body like the district local board, whose constitution honourable members are thoroughly conversant with, and the representative character of which is going to be improved by increased proportion of elected representatives, in the Central Provinces, the Deputy Commissioner by notification constitutes a panchayat board for the whole or any part of the village, and the board shall consist of such revenue officers and of such non-official members as my be appointed in accordance with rules made under section 55. As regards the constitution of the panchayats themselves, it is stated that there will be informal elections, under which the elders of the villages will be brought in. I understand that to mean, having regard to the discussion in which the non-official members of that Council took part, that a revenue officer will go to a village, will consult a certain number of people informally, and then appoint some of them to the panchayat. It should be obvious that it is a wholly nominated panchayat, and that powers of civil and criminal jurisdiction are being given not to a wholly elected body, as it is in the case of the present bill, but to a wholly nominated body. I was also looking up the Bengal bill. There again—I am speaking from memory—there is a substantial proportion of nominated members on the panchayat, and the revenue officers have been given the power to nominate two members out of such panchayats to discharge the functions of civil and criminal jurisdiction. Now, it is obvious that in both these cases the civil and criminal jurisdiction will be exercised by the nominees of Government, that is to say, it will be exercised on the same principles as honorary magistrates in district towns in this Presidency. I do not know, I have got no experience of district towns, but I hope that honourable members are satisfied that the honorary magistrates are discharging their functions to the satisfaction of the people.

An honourable member :—No, no.

VILLAGE PANCHAYATS' BILL.

[*Sir Ibrahim Rahimtoola; Rao Saheb H. D. Desai.*] [4TH AUGUST 1920.]

The Honourable Sir Ibrahim Rahimtoola:—If they are not, if such nominated members in district towns are not giving satisfaction to the people in the discharge of their duties, what would be the condition if wholly elected panchayats in villages, where the people are mostly illiterate, were to administer judicial and criminal functions? We are all carried away by sentiment. But I ask honourable members to bear in mind what the consequences will be. It should also be borne in mind that in pre-British days there were no communications, no railways, no telegraphs, and each village had to be self-contained and had to make what arrangements it could to carry on the local administration. Circumstances are now changed. There are communications, there are railways, there are posts and telegraphs. Therefore, villages cannot remain wholly isolated as they were in the past. What I want to point out is that if these panchayats are found to discharge the obligations that are being imposed upon them satisfactorily, there is nothing to prevent the extension of civil and criminal jurisdiction to them. But to do it all at once in the case of people who have had no knowledge, no experience of these things, would be rather a tall order. I, therefore, ask honourable members to be satisfied with the far-reaching principles, namely, adult male suffrage, practically wholly elected panchayats, and the control being vested in a popular body, and to let this bill go through as it has come from the select committee. I may tell you that in no part of British India any measure analogous to this has yet been tried, and that in the two bills which I had occasion to see, the control of revenue officers has been kept very stringent. As a matter of fact, in the Central Provinces bill the entire power is vested in the Deputy Commissioner. He can do this, that or any other thing. We are trying to meet popular wishes by extending the scope of local self-government under this bill far in advance of every other part of India, and I hope honourable members will extend to it their cordial support, and will help to carry the bill through in its present form.

The Honourable Rao Saheb H. D. Desai:—Mr. President,—Since the bill was referred to, and reported on, by the select committee, I have had several communications from the countryside mainly with reference to the question of the inclusion of the patel on the panchayat as an *ex-officio* member or otherwise; and almost all communications contained the principal warning that the patel, so far as this Council had it in their power, ought not to be allowed a permanent place on the panchayat. The Honourable Member in Charge has put it to us, sir, that if this Council does not accept the position of making the patel of a village an *ex-officio* member, then Government will have to re-draft the bill in such a way that there will be a power vested in Government of nominating 1/5th number of members on the panchayat.....

The Honourable Sir Ibrahim Rahimtoola:—Sir, I rise to a word of explanation. I did not say that. What I said was that this bill was based upon a particular framework in regard to the patel, male adult suffrage and local board control, and that you cannot have a mixture. If Government had provided for nomination and had nominated the patel, perhaps there would have been no opposition.

The Honourable Rao Saheb H. D. Desai:—Well, I submit that if the choice were left to me whether to accept the patel as an *ex-officio* member or to accept the other alternative of Government having the power to nominate 1/5th, I would prefer the latter, which would be a lesser evil. I consider, and those who have communicated their opinions to me consider, that the village patel is such a great nuisance that he had better not be put in the position of being always an *ex-officio* member, and that it would be a much lesser evil to allow Government to nominate 1/5th of the members, if one had to choose between evils. Hence the provision in the bill allowing an *ex-officio* place to the patel, and the explanation which the Honourable Member in Charge has given about it, does not seem to be satisfactory, and it may be that we may have, at the second reading of the bill, to move amendments with reference to it.

As regards the second point about the adult male suffrage, I think, the Honourable Member in Charge seems to think too highly of the offer which he has made. I regret to say that I cannot take the same view of the structure of the bill as he seems to take. In a family where there are a father and four sons, though there may be five votes, it is actually one vote, because the sons will naturally not vote differently from their father. Similarly in a village instead of having 50 votes, one for each family, if you have 400 votes but if they all come to 50 votes in the end, it does not enhance the value of adult male suffrage. Therefore, I am not much enamoured of this structure of the bill with adult male suffrage. It would be much better to have at present a property suffrage, as low as possible, if necessary, so that not only would the males be there but womenfolk also, who under the present local board franchise exercise the vote, would not be deprived of it. While I am not very particular about having the

VILLAGE PANCHAYATS' BILL—PORT TRUST BILL.

[4TH AUGUST 1920.] [*Sir Ibrahim Rahimtoola; Mr. G. K. Parekh; the Vice-President; Mr. G. S. Curtis; Mr. Phiroze C. Sethna.*]

because he went on to say that if talukdars, inamdars and khots are treated in a particular way so that the panchayats will not be allowed to tax the talukdars, inamdars and khots, that if I gave him that particular assurance, then he would withdraw his motion. In that case the reformed councils, the advent of the Ministers, do not matter. Sir, I cannot understand such an attitude from our veteran councillor. I hope honourable members will realize that the public have demanded legislation for the constitution of panchayats for a long period of years, and that efforts made in the past have proved abortive. We have on the present occasion brought forward a bill which, I submit, meets the demands of the public in the matter of the constitution of the panchayats. We have considered it in the select committee. We are in a position, if honourable members are so inclined, to pass it. At such a stage, to ask for postponement, not on the ground of the coming of the reformed councils, but because an assurance is not forthcoming from Government to further protect the talukdars, inamdars and khots, is a position which I do not think is right and should not be accepted by the Council.

The Honourable Mr. G. K. Parekh :—Mr. President,—I am unable to find in the objections that have been raised any solution of the difficulty that I suggested. I should think in those cases where either a talukdar, inamdar or a khot is not represented, or being represented, is in a very small minority, it would not at all be just that the other members of the panchayat should have a right of taxing him as the owner of properties.

The amendment was put to the vote and lost.

PORT TRUST BILL.

The Honourable the Vice-President (Sir G. Carmichael) :—Before adjourning I wish to take a small item which inadvertently was omitted after the vote taken on the first reading of Bill No. XII of 1920.

The Honourable Mr. G. S. Curtis :—Sir,—As the bill to amend the Bombay Port Trust Act, 1879, has been read a first time, I move that the bill be referred to a select committee consisting of the Honourable Mr. Sethna, the Honourable Mr. Hatch, the Honourable Mr. Purshotamdas Thakurdas, the Honourable Mr. Macnaghten, the Honourable Mr. Enthoven, the Honourable Mr. Chunilal Mehta, the Honourable Mr. Salebhoy Barodawalla and the mover, with instructions to report by the 1st of September.

The Honourable Mr. Phiroze C. Sethna :—May I suggest the names of the Honourable Rao Bahadur Sathe and the Honourable Mr. Paranjpye in addition?

Bill referred to a select committee.

The motion, as amended by the Honourable Mr. Sethna, was put to the vote and carried.

The Honourable the Vice-President (Sir G. Carmichael) :—This Council will now adjourn till 11-30 a. m. to-morrow.

The Council then adjourned till 11-30 a.m. on Thursday, the 5th August 1920.

By order of His Excellency the Honourable the Governor,

G. DAVIS,

Secretary to the Legislative Council of the Governor of Bombay.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

VILLAGE PANCHAYATS' BILL.

[4TH AUGUST 1920.] [*Rao Saheb H. D. Desai; Mr. G. K. Parekh; the Vice-President; Mr. R. P. Paranjpye.*]

adult female franchise inserted in the panchayat bill all at once, I do not see the value of adult male suffrage. I would much rather like, as I said before, that there should be a low property suffrage both for males and females so that widows owning properties may not be thrown on the mercy of the adult male population.

As regards the judicial powers, I feel that the bill would have been quite a perfect measure with them, but I am not very keen about the matter.

Then there is the question about the talukdars and inamdars on the panchayat. The several memorials received on the subject will have to be considered very carefully. In any case, at this reading of the bill I think that the question of the patel being an *ex-officio* member is a very serious question, and if the choice were left to me whether to accept the bill with the patel on the panchayat or to reject it without him, I would rather not have the bill at all than accept it with the patel on the panchayat.

The Honourable Mr. G. K. Parekh :—Before I say anything in reference to the second reading of the bill, I beg to move under rule 7, page 190 of the Council Manual.

That the Council pass on to the consideration of the business next in order.

Notice of a motion of this kind stood in the name of my friend the Honourable the Thakor of Kerwada, but as he is not present, I think it proper to bring this motion before the Council.

So far as other matters are concerned, I am quite indifferent as to what action the majority of the Council may take. I have myself sent notice of some amendments. But there is one matter in reference to which it appears to me that the bill would become altogether unworkable according to the principles of justice. It would occur in this way.

In reference to inamdars, talukdars and khots etc, in many instances they are residing in their own villages and in those cases they would have an opportunity of coming on the panchayats in accordance with the provisions of this bill. But there are lots of talukdars, inamdars and khots who really do not reside in their villages. Also one talukdar or inamdar may posses several villages and he may be residing in one of them and he would not be residing in the others. Under these circumstances what would happen according the provisions of the bill as they are enacted at present, is that the panchayat in which he is not represented at all or in which the opposite interests are predominantly represented, would have the power of freeing themselves from taxation or shifting the whole burden on the talukdar.

You will see, sir, that in five months there will be another Legislative Council which will be far more representative and which will be able to deal with these questions with a greater knowledge than many of the present honourable members of this Council possess. I should therefore hope that the Council will see their way to accept this motion.

The Honourable the Vice-President (Sir G. Carmichael) :—The motion before the House is, that Bill No. XI of 1919 be postponed and that the Council pass on to the consideration of the next item on the agenda.

The Honourable Mr. R. P. Paranjpye :—Sir,—I think my honourable friend Mr. Gokuldas Parekh has almost thrown a bombshell while the discussion of this bill is going on. During the first reading of this bill it was fairly agreed by many of us that whatever our differences on matters of detail might have been, we fairly welcomed the bill in its general form as a bill which will mark a further development of local self-government in this Presidency. We welcomed most of the provisions and only on some matters of detail was there any difference of opinion. Those matters of detail have now even, in my opinion, not been satisfactorily settled, I must frankly admit. On one point for instance, namely, the point about giving of judicial powers to the panchayats, we have been told that it is hardly within the purview of this Council. On another point, namely, the enfranchisement of women, it has not been yielded at present, but we have been told, and with a great deal of force, that when the new councils pass a regulation in favour of the enfranchisement of women so far as the Legislative Councils are concerned, it will have its indirect effect upon our enactments, and it will not be very long before all disqualifications of women are removed from all such enactments.

Then there is the third point about the patel. I think these were all the three points of difference. As to this point about the patel, the Honourable Member in Charge and the select committee have not completely yielded. What many honourable members

VILLAGE PANCHAYATS' BILL.

[*Mr. R. P. Paranjpye; Dewan Bahadur K. R. Godbole; Rao Bahadur S. D. Garud; Sheikh Ghulam Hussein Hidayatallah; Sir Ibrahim Rahimtoola.*] [4TH AUGUST 1920.]

asked was that the patel should not be an *ex-officio* member of the panchayat. And a *via media* has been proposed under which we shall be able to test the panchayats under both systems. It is proposed to have some panchayats with the patel as *ex-officio* member, and others without the patel, and that after a few years' experience we might be able to judge whether a panchayat can do without a patel. And then a very small bill would do to do away with the patel altogether.

Then there is the fourth point regarding talukdari or khoti villages. On that point, I think, the non-official honourable members were not all of the same opinion. I think if we take the opinion of the non-official honourable members only, I am not quite certain whether my honourable friend Mr. Gokuldas Parekh's contention, and the contention of some other honourable members like the Honourable the Thakor of Kerwada would get a majority. Personally I do not think that we should consider or treat such villages in any special manner at all. I think that if in Government villages public opinion of the residents of the villages has to be organized in a panchayat, it is still more necessary in such villages, because the inamdar or talukdar or khot is in a far greater degree the virtual master of the village than even a patel or a Government officer might be. I think, therefore, if the interests of the people are to be safeguarded, we must have a panchayat in such villages so that it would be a kind of counterweight to the overweening influence of the landlord. That is my personal opinion. But I think, at any rate, because my honourable friend differs on this single point, I think it would be most impolitic and reactionary to propose a motion of this nature, and for my part, I am strongly opposed to the motion that he has proposed.

The Honourable Dewan Bahadur K. R. Godbole :—Sir,—I believe, the point before the Council at present is whether the bill should be dropped and we should proceed with the next item.

As regards the bill itself I will have an occasion to speak on its merits later on. The present point is whether it is to go on, or whether is to be dropped. I myself think that the bill is very useful and that it is much wanted. I think we should go on with the further consideration of this bill and its second reading. The points that have been raised by the Honourable Mr. Parekh will all be coming forward before us as amendments, and while we are dealing with these amendments, they will be duly thrashed out and decided upon. The bill is very useful and urgently wanted for the local board administration of our districts. The council should therefore reject the Honourable Mr. Parekh's motion and proceed with the further consideration of the bill.

The Honourable Rao Bahadur S. D. Garud :—Mr. Chairman,—At the time of the first reading of this bill, I merely contented myself with thanking Government for introducing a measure to authorize the constitution of village panchayats. Some of the principles which Government introduced in this bill are, I think, very progressive and are absolutely needed for the advancement of local self-government. There are of course points on which I do not quite see eye to eye with the select committee and with Government. These will come up as amendments and will be considered by the Council. But the bill as a whole which authorizes the constitution of village panchayats, is absolutely necessary. It introduces some good principles in local self-government administration, and I think, it ought not to be dropped at this stage.

The Honourable Sheikh Ghulam Hussein Hidayatallah :—Sir,—The panchayat bill has been before the public for a long time prior to its coming before this Council. When it was for the first time introduced at the last session every one of us admitted that it was a very advanced bill, and I am surprised to see that, when it has come for the second reading, my honourable friend Mr. Parekh should move for an adjournment. He urges that talukdars, inamdars and khots should be nominated on the panchayats, or that they should be *ex-officio* members of the panchayats. But there are amendments to that effect on the agenda, and I think we should go on with the second reading. I therefore strongly oppose the motion for adjournment.

The Honourable Sir Ibrahim Rahimtoola :—Mr. President,—Honourable members are aware what an amount of respect I have for my honourable friend Mr. Parekh, the veteran member of this Council, but I am very much surprised at his attitude on the present occasion. I could quite understand the point if he were to say that he does not want this Council to proceed with the second reading of the bill on the ground that the reformed councils will come into being three or four months hence, and that this matter should be left to the Ministers. That would have been a perfectly logical position to take up. But I ask honourable members to consider whether that is his position;

The

Bombay Government Gazette

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TUESDAY, 7TH SEPTEMBER 1920.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Proceedings of the Council of the Governor of Bombay.

The following report of the Select Committee of the Council of His Excellency the Governor of Bombay on the Bill further to amend the Bombay Town Planning Act, 1915, and the Bill as amended by the Select Committee, are, in accordance with rule 25 of the Rules for the conduct of business at meetings of the Legislative Council, published for general information :—

BILL No. VIII of 1920.

(A Bill further to amend the Bombay Town Planning Act, 1915.)

REPORT OF THE SELECT COMMITTEE.

We, the undersigned, members* of the Select Committee appointed to consider Bill No. VIII of 1920 (a Bill further to amend the Bombay Town Planning Act, 1915), have the honour to report as follows:—

We consider it desirable that, before a local authority is made liable for the execution of a town planning scheme in the framing of which it had no say, the consent of such local authority to the proposed transfer should be obtained. We have, therefore, amended clause 2 of the bill accordingly.

(Signed) G. S. CURTIS,
(„) T. J. STRANGMAN,
(„) PURSHOTAMDAS THAKURDAS,
(„) CHUNILAL V. MEHTA,
(„) P. J. MEAD,
(„) HARILAL DESAIBHAI DESAI,
(„) G. K. SATHE,
(„) B. S. KAMAT.

6th September 1920.

*The signature of the Honourable Mr. E. G. Turner, I.C.S., will be published when received.

BILL No. VIII of 1920.

A Bill further to amend the Bombay Town Planning Act, 1915.

(As amended by the Select Committee.)

WHEREAS it is expedient further to amend the Bombay Town Planning Act, 1915, in manner hereinafter appearing; It is hereby enacted as follows :—

Bom. I of 1915.

1. This Act may be called the Bombay Town Planning (*Second* Amendment) Act, 1920.

Short title.

2. After section 45 of the Bombay Town Planning Act, 1915, the following section shall be inserted :—

Bom. I of 1915.

New section 45A.

"45A. When any local authority ceases to exist or ceases to have jurisdiction over any area included in a town planning scheme the property and rights vested in such local authority under this Act shall, subject to all charges and liabilities affecting the same, vest in such other local authority or authorities as the Governor in Council may, *with the consent of such authority or authorities,* by notification in the *Bombay Government Gazette* direct; and such local authority or each one of such local authorities shall have all the powers under this Act in respect of such scheme or such part of a scheme as comes within its jurisdiction which the local authority ceasing to exist or ceasing to have jurisdiction had."

By order of His Excellency the Honourable the Governor,

G. DAVIS,
Secretary to the Legislative Council
of the Governor of Bombay.

Bombay, 6th September 1920.

The following Bill is published under rule 28 (5) of the Rules for the Conduct of Business at Meetings of the Legislative Council of the Governor of Bombay.

BILL No. XV of 1920.

A Bill further to amend the City of Bombay Police Act, 1902.

WHEREAS it is expedient further to amend the City of Bombay Police Act, 1902, in manner hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the City of Bombay Police (Second Amendment) Act, 1920.

Short title.

2. In sub-section (*2*) of section 6 of the City of Bombay Police Act, 1902, after the words "Assistant Commissioner" where they occur for the first time, the words "and a Superintendent appointed under section 7 (*1*)" shall be inserted; and after the words "Assistant Commissioner" where they occur for the second time, the words "or Superintendent" shall be inserted.

Amendment of section 6 of Bom. IV of 1902.

Bom. IV 1902.

STATEMENT OF OBJECTS AND REASONS.

Superintendents of Police in the City of Bombay cannot perform certain routine duties such as the signing of licenses and permits, imposed by the Act on the Commissioner of Police as the power of delegation in section 6 is limited to Deputy and Assistant Commissioners. Superintendents are gazetted officers of standing and experience and in view of the increase in the work of the police it is advisable in the interests of police administration that the Commissioner of Police should be able to delegate to Superintendents the less important duties imposed on him by the Act.

22nd July 1920. (Signed) G. CARMICHAEL.

By order of His Excellency the Honourable the Governor,

G. DAVIS,
Secretary to the Legislative Council
of the Governor of Bombay.

Bombay, 6th September 1920.

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PART V.

Proceedings of the Council of the Governor of Bombay.

(To be translated into Marathi, Gujarati and Urdu, and the translations to be published in the "Bombay Government Gazette." The dates of publication to be reported.)

The following report of the Select Committee of the Council of His Excellency the Governor of Bombay on the Bill to provide for the extension of primary education in the City of Bombay, and the Bill as amended by the Select Committee, are in accordance with rule 25 of the Rules for the conduct of business at meetings of the Legislative Council, published for general information :—

Bill No. IV of 1920.

A Bill to provide for the extension of primary education in the City of Bombay.

REPORT OF THE SELECT COMMITTEE.

We, the undersigned members* of the Select Committee appointed to consider Bill No. IV of 1920 (A Bill to provide for the extension of primary education in the City of Bombay) beg to submit our report as follows :—

1. We have amended clause 19 (*b*) of the Bill to ensure that the persons co-opted shall be persons resident in the City of Bombay who are not members of the corporation.

2. The proposed repeal of section 62-B deprives the corporation of the guarantee given to them under that section. We are of opinion that the corporation should be guaranteed the same treatment as a city municipality in respect of expenditure on primary education, and for that purpose have included new section 62-B in the Bill.

* Signatures of the Honourable Sir Dinshaw M. Petit, Bart., the Honourable Mr. S. K. Barodawalla and the Honourable Mr. Munmohundass Ramji will be published when received.

3. A "child" as defined in section 2 (2) of the Bill includes a child up to the age of eleven years. We considered at length the question whether specific provision should be made in the Bill requiring the Municipal Schools' Committee, to make special arrangements for children employed as half-timers. It was considered, however, that a question affecting the industries of the City might be safely left to the discretion of a committee of the governing body of that city, and we recommend no change in the Bill in this respect.

(Signed) IBRAHIM RAHIMTOOLA.
(„) J. G. COVERNTON.
(„) R. P. PARANJPYE.
(„) PHIROZE C. SETHNA.
(„) CHUNILAL V. MEHTA.
(„) C. FERNANDES.
(„) GOKULDAS K. PAREKH.
(„) H. P. W. MACNAGHTEN.

Bombay, 7th September 1920.

Bill No. IV of 1920.

A Bill to provide for the extension of primary education in the City of Bombay.

(As amended by the Select Committee.)

WHEREAS it is expedient to provide for the extension of primary education in the City of Bombay; It is hereby enacted as follows:—

Short title, extent and construction.

1. (*1*) This Act may be called the City of Bombay Primary Education Act, 1920.

(*2*) It extends only to the City of Bombay.

(*3*) It shall be construed as part of and supplementary to the City of Bombay Municipal Act, 1888, hereinafter called "the principal Act."

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Definitions.

2. In this Act, unless there is anything repugnant in the subject or context —

(*1*) to "attend" a recognized primary school means to be present for instruction at such school on such days and at such time or times on each day as may be required by the Schools' Committee with the approval of the prescribed educational authority;

(*2*) "child" means a child whose age is not less than six and not more than eleven years;

(*3*) "parent" includes a guardian and any person who has the actual custody of a child;

(*4*) "prescribed" means prescribed by rules made by the Governor in Council under this Act;

(*5*) "primary education" means such education as is for the time being recognized as such by the Governor in Council;

(*6*) "recognized primary school" means a school (or a department of a school) in which instruction in primary education is given and which is for the time being recognized by the prescribed educational authority;

(*7*) "Schools' Committee" means a committee appointed under section 39 of the principal Act.

Issue of notification making primary education compulsory.

3. (*1*) The Corporation may with the previous sanction of the Governor in Council declare by notification that the primary education of boys or of girls or of children of both sexes shall be compulsory in the City of Bombay or in any ward or part of a ward thereof from a date to be mentioned in the notification; provided that, where a notification has been issued under this section with reference to children of one sex only, the Corporation may with the like sanction issue a subsequent notification with reference to children of the other sex.

(*2*) A notification under this section shall be published in the *Bombay Government Gazette* and shall be posted at the municipal office and at such other places, if any, as the Corporation shall deem necessary.

Corporation to make provision for primary education.

4. A notification shall not be issued under section 3 unless the Corporation satisfy the Governor in Council that they are in a position to make and will make adequate provision in municipal or other recognized schools for free and compulsory primary education.

Resolution to be passed before issue of notification.

5. A notification shall not be issued under section 3 unless the Corporation have so determined by resolution passed at a general meeting specially called in this behalf, and unless such resolution has been supported by at least two-thirds of the councillors present at the meeting and by at least one-half of the whole number of councillors.

Duty of Schools' Committee.

6. Where a notification has been issued under section 3 for any ward or part of a ward, it shall be the duty of the Schools' Committee, subject to the

provisions of this Act and the principal Act, to enforce the provisions of this Act respecting the attendance of children at school and the employment of children.

Duty of parents to cause children to attend school.

7. Where a notification under section 3 is in force in any ward or part of a ward, the parent of every child to which such notification applies shall, in the absence of a reasonable excuse as hereinafter provided, and if such parent and child ordinarily reside in such ward or part of a ward, cause such child to attend a recognized primary school therein.

Meaning of reasonable excuse.

8. A parent shall be deemed to have a reasonable excuse for failure to cause a child to attend a recognized primary school in any of the following cases:—

(*a*) where the child is prevented from attending school by sickness, infirmity or other unavoidable cause;

(*b*) where the child is receiving, otherwise than in a recognized primary school, instruction which in the opinion of the Schools' Committee is efficient, or has already completed his primary education;

(*c*) where there is no recognized primary school within one mile, measured according to the nearest road, from the residence of the child.

Issue of attendance order.

9. Where the Schools' Committee is satisfied that the parent of any child who is bound under the provisions of section 7 to cause such child to attend a recognized primary school, has failed to do so, the Schools' Committee, after giving the parent an opportunity of being heard and after such enquiry as it considers necessary, may pass an order directing the parent to cause such child to attend a recognized primary school on and from a date which shall be specified in the order.

Penalty for failure to cause child to attend school.

10. (*1*) Any parent against whom an order with reference to a child has been passed under section 9 and who fails to comply with the provisions of section 7 with respect to such child on and after the date specified in such order, shall, on conviction before a magistrate, be liable to a fine not exceeding five rupees.

(*2*) No court shall take cognizance of an offence under this section except on the complaint of the Schools' Committee.

Penalty for employing child liable for compulsory education.

11. (*1*) Whoever knowingly takes into his employment, either on his own behalf or on behalf of any other person, any child in respect of whom the provisions of section 7 apply, so as to interfere with the efficient instruction of such child, shall, on conviction before a magistrate, be liable to a fine not exceeding twenty-five rupees.

(*2*) No court shall take cognizance of an offence under this section except on the complaint of the Schools' Committee, and before making any complaint under this section against any person, the Schools' Committee shall, unless such person has previously been convicted under this section in respect of the same child, cause a warning to be given to such person.

Schools' Committee may authorize person to appear.

12. A complaint to a magistrate under section 10 or section 11 may be made on behalf of the Schools' Committee by such person as may be authorized by the committee in this behalf.

Taxation for the purposes of this Act.

13. For the purposes of this Act the Corporation may, under the provisions of the principal Act, impose any fresh tax or increase any tax which is already levied in the municipal district.

Remission of fees.

14. Where a notification under section 3 is in force in any ward or part of a ward, no fee shall be charged in any municipal school in respect of the primary education of any child of the sex specified in such notification whose age does not exceed eleven years.

Power to exempt particular classes or communities.

15. The Governor in Council may by notification in the *Bombay Government Gazette* exempt any particular class

or community from the operation of this Act.

Withdrawal of notification on default.

16. If in the opinion of the Governor in Council, the Corporation have made default in any of the requirements of this Act, after giving the Corporation an opportunity of furnishing an explanation the Governor in Council may by notification in the *Bombay Government Gazette* cancel any notification which has been issued under section 3.

Fines to be credited to Corporation.

17. All fines levied by any magistrate in respect of any offence against the provisions of this Act shall be credited to the municipal fund.

Rules.

18. (*1*) The Governor in Council may by notification in the *Bombay Government Gazette* make rules for the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing provision, such rules may be made—

(*a*) prescribing the educational authority by whom the duties imposed by section 2, sub-sections (*1*) and (*6*), shall be performed;

(*b*) prescribing the manner in which application may be made for sanction to issue a notification under section 3;

(*c*) determining generally what shall be considered to be adequate provision for free and compulsory primary education under section 4;

(*d*) requiring the Corporation to prepare and publish a register of children liable for compulsory primary education in the municipal district; and

(*e*) when the local Government determine to share the cost of providing free and compulsory primary education, specifying the extent to which the cost thereof shall be borne by the local Government.

Amendment of section 39 (*1*) of the principal Act.

19. In sub-section (*1*) of section 39 of the principal Act

(*a*) for the word "twelve" the word "sixteen" shall be substituted; and

(*b*) the following words shall be added to the sub-section:—

~~"Of these sixteen members twelve shall be elected by the corporation from among the councillors and the remaining four, of whom two shall be ladies, shall be selected by the corporation.~~

"Of the members so appointed twelve shall be councillors and the remaining four, of whom two shall be women, shall be persons, not being councillors, resident in the City of Bombay."

Repeal of section 62B of the principal Act.

20. ~~Section 62B of the principal Act is hereby repealed.~~

New section 62B of the principal Act.

For section 62B of the principal Act, the following section shall be substituted, namely:—

62B. If there should be at any time a change in the general policy of Government in regard to their liability in respect of primary education, the corporation shall be entitled to benefit by such change in policy to the same extent as a city municipality.

By order of His Excellency the Honourable the Governor,

G. DAVIS,

Secretary to the Legislative Council of the Governor of Bombay.

Bombay, 7th September 1920.

(To be translated into Marathi and Gujarati and the translations to be published in the "Bombay Government Gazette". The dates of publications to be reported.)

The foliowing report of the Select Committee of the Council of His Excellency the Governor of Bombay on the Bill to amend the Bombay Town Planning Act, 1915, and the Bill as amended by the Select Committee, are, in accordance with rule 25 of the Rules for the conduct of business at meetings of the Legislative Council, published for general information :—

Bill No. V of 1920.

(A Bill to amend the Bombay Town Planning Act, 1915.)

REPORT OF THE SELECT COMMITTEE.

We, the undersigned, members* of the Select Committee appointed to consider Bill No. V of 1920 (a Bill to amend the Bombay Town Planning Act, 1915), have the honour to report as follows :—

We have no change to recommend as regards the first three clauses of the bill. As expert opinion is at variance as regards the desirability of the changes in the original Act contemplated by the amendments embodied in clause 4 of the bill, we propose the deletion of this clause and of sub-clause (*a*) of clause 5 as consequential thereto.

(Signed) G. S. CURTIS.
(„) T. J. STRANGMAN.
(„) PURSHOTAMDAS THAKURDAS.
(„) CHUNILAL V. MEHTA.
(„) E. G. TURNER.

Bombay, 7th September 1920.

*Signatures of the Honourable Mr. P. J. Mead, C.I.E., I.C.S., the Honourable Rao Bahadur G. K. Sathe, C.I.E., the Honourable Mr. B. S. Kamat and the Honourable Rao Saheb Harilal Desaibhai Desai will be published when received.

Bill No. V of 1920.

A Bill to amend the Bombay Town Planning Act, 1915.

(As amended by the Select Committee.)

WHEREAS it is expedient to amend the Bombay Town Planning Act, 1915, in manner hereinafter appearing; It is hereby enacted as follows:—

Bom. I of 1915.

1. This Act may be called the Bombay Town Planning (Amendment) Act, 1920.

Short title.

2. In sub-section (*1*) of section 15 of the Bombay Town Planning Act, 1915, hereinafter called the said act:—

Amendment of section 15 of Bom. I of 1915.

Bom. I of 1915.

(*a*) in clause (*a*) after the word "work," the words "or remove, pull down, or alter any building or part of a building or remove any earth, stone or material" shall be inserted;

(*b*) the following clause shall be added:—

"(*e*) any diminution in the value of an original plot occasioned by any contravention of clause (*a*) or clause (*b*) shall, notwithstanding anything contained in sections 16, 17 or 19, be taken into account in fixing the market value of such plot."

3. For the first paragraph of section 17 of the said act, the following shall be substituted:—

Amendment of section 17 of Bom. I of 1915.

"For the purposes of this Act the increment shall be deemed to be the amount by which at the date of the declaration of intention to make a scheme the market value of a plot included in the final scheme estimated on the assumption that the scheme has been completed would exceed at the same date the market value of the same plot estimated without reference to improvements contemplated in the scheme:"

~~4. In section 19 of the said act:—~~

~~Amendment of section 19 of Bom. I of 1915.~~

~~(a) after the word "and" occurring for the third time, the words "with or" shall be inserted;~~

~~(b) after the word "boundaries," the following shall be inserted:—~~

~~"in accordance with rules framed under clause (gg) of sub-section (2) of section 52 of this act."~~

5. **4.** In sub-section (*2*) of section 52 of the said act

Amendment of section 52 of Bom. I of 1915.

~~(a) after clause (g) the following clause shall be inserted:—~~

~~"(gg) the manner in which the estimate shall be made under section 19;"~~

(b) in clause (*l*), for the words "local authority" the words "Governor in Council" shall be substituted.

By order of His Excellency the Honourable the Governor,

G. DAVIS,

Secretary to the Legislative Council of the Governor of Bombay.

Bombay, 7th September 1920.

(To be translated into Marathi and Gujarati, and the translations to be published in the "Bombay Government Gazette". The dates of publication to be reported.)

The following report of the Select Committee of the Council of His Excellency the Governor of Bombay on the Bill further to amend the City of Bombay Improvement Act, 1898, and the City of Bombay Municipal Act, 1888, and the Bill as amended by the Select Committee, are, in accordance with rule 25 of the Rules for the conduct of business at meetings of the Legislative Council, published for general information :—

Bill No. VII of 1920.

A Bill further to amend the City of Bombay Improvement Act, 1898, and the City of Bombay Municipal Act, 1888.

REPORT OF THE SELECT COMMITTEE.

We, the undersigned members of the Select Committee appointed to consider Bill No. VII of 1920 (a Bill further to amend the City of Bombay Improvement Act, 1898, and the City of Bombay Municipal Act, 1888), have the honour to report as follows :—

1. We are of opinion that the Bill should contain a statement of the purposes on which the duty will be spent, the area to which these purposes will be limited and the proportion in which the proceeds of the tax shall be allotted to the City of Bombay and the Bombay Suburban Revenue Division. The preamble to the Bill has been amended, and sub-section 195B (2) added accordingly.

2. As it is the intention of Government that the buildings erected within the City of Bombay shall be handed over to the Corporation as soon as the scheme of building operations has been carried to completion and rents are stabilised, we are of opinion that provision should be made in the Bill for this purpose. New clause 195C. provides for separate accounts being kept of expenditure on providing tenements within the municipal limits ; for giving the Corporation in the year 1936 the option of taking over such tenements, subject to all liabilities in respect thereof ; for the adjustment of such liabilities by arbitration ; and where the income in the year 1936 from such tenements is less than the expenditure to be incurred on account thereof, for the deduction by the Corporation from payments to be made under section 195B of the amount of such loss.

3. We discussed the question of having an executive or advisory board to supervise or aid in the execution of the proposed works and decided that the question was outside the scope of the Bill. The appointment of an executive board would require further legislation ; but it was decided by the casting vote of the Chairman, to recommend that two advisory boards should be constituted, one for the City of Bombay and one for the Bombay Suburban Revenue Division. The advisory board for the City of Bombay should consist of two representatives elected by the Corporation, one by the Bombay Chamber of Commerce, one by the Indian Merchants' Chamber and Bureau, one by the Millowners' Association

and one by the Improvement Trust. The board for the Bombay Suburban Revenue Division should be representative of local authorities and important interests in the sub-division.

(Signed) G. S. CURTIS,
(„) H. P. W. MACNAGHTEN,
(„) E. G. TURNER,
(„) PHIROZE C. SETHNA,
(„) CHUNILAL V. MEHTA,
(„) DINSHAW PETIT,
(„) PURSHOTAMDAS THAKURDAS,
(„) GOKULDAS K. PAREKH,
(„) MUNMOHUNDASS RAMJI.

Bombay, 8th September 1920.

BILL No. VII of 1920.

A Bill further to amend the City of Bombay ~~Improvement~~ Municipal Act, ~~1888~~, 1888, and the City of Bombay ~~Municipal~~ Improvement Act ~~1888~~, 1898.

(As amended by the Select Committee.)

~~WHEREAS it is expedient further to amend the City of Bombay Improvement Act, 1898, and the City of Bombay Municipal Act, 1888, in manner hereinafter appearing; It is hereby enacted as follows:—~~

Bom. IV of 1898. Bom. III of 1888.

WHEREAS there is an extreme shortage of housing accommodation for the working classes in the town and island of Bombay, And Whereas it is expedient that Government should as a primary object construct fifty thousand tenements for such classes in the town and island of Bombay and should further as a secondary object carry out certain schemes of improvement and development in the vicinity thereof, namely, in the Bombay Suburban Revenue Division, And Whereas it is intended by Government to raise a loan or loans for the above purposes And Whereas it is expedient that the municipal corporation of the City of Bombay should carry out divers large and important works And Whereas it is accordingly expedient further to amend the City of Bombay Municipal Act, 1888, and it is also expedient further to amend the City of Bombay Improvement Act, 1898, in manner hereinafter appearing; It is hereby enacted as follows:—

Short title.

1. This Act may be called the City of Bombay ~~Improvement~~ *Municipal* and ~~Municipal~~ *Improvement* (Amendment) Act, 1920.

New sections 195A and 195B *and* 195C of Bom. III of 1888.

~~3~~ *2.* After section 195 of the City of Bombay Municipal Act, 1888, the following sections shall be inserted, namely:—

Levy of town duty on raw cotton.

"195A. (*1*) In addition to the town duties referred to in section 192 and notwithstanding the provisions of section 128 a town duty shall be levied on raw cotton imported into the city, by sea or land, from any part of India, at the rate of one rupee for every bale weighing approximately 3½ cwts.

(*2*) Notwithstanding the provisions of sections 194A and 195 no such raw cotton intended for immediate exportation shall be exempted from the levy of such duty nor shall such duty be refunded on its export.

Payment of 4/7ths of gross revenue to Government: *allocation of duty.*

195B. *(1)* On the tenth day of each month the Commissioner shall pay to Government or to an officer designated by Government for this purpose 4/7ths of the gross revenue derived from such duty during the preceding calendar month after deducting the cost of collection of such proportion of such revenue.

(2) Of the moneys received under sub-section (1) a sum of four lakhs of rupees shall be allotted yearly to schemes of improvement and development in the Bombay Suburban Revenue Division as constituted on the 1st day of October 1920; the balance shall be devoted to the provision of tenements for the working classes in the City of Bombay, as constituted on the 1st day of October 1920.

Accounts to be kept: Exercise by Corporation of option to take over: Arbitration.

195C. (1) Government shall keep a separate account of the moneys received under sub-section (2) of section 195B for the purpose of providing tenements in the City of Bombay and of the expenditure incurred from or with the aid of such moneys; and shall supply the Corporation with a copy of the account for each year.

(2) The Corporation shall have the right, after giving six months' previous notice in writing, to take over from Government on the 1st day of April, 1936, or on the 1st day of April of any subsequent year the right, title and interest, vesting in Government from the expenditure referred to in sub-section (1), in lands and buildings, on indemnifying Government against its liabilities in respect of such lands and buildings, including liabilities in respect of any outstanding loan or loans utilised for the purpose of providing tenements as aforesaid.

(3) For the purpose of enabling the Corporation to determine whether such right shall be exercised Government shall at all reasonable times after the 1st day of April 1935 cause inspection of such separate account to be given to the Corporation.

(4) On the giving of such notice as is referred to in sub-section (2), the question as to the amount and form of the indemnity referred to in the said sub-section shall stand referred to the sole arbitration of some person to be nominated by the Chief Justice of Bombay who shall be assisted by two assessors, one to be nominated by Government and one by the Corporation, and his decision shall be final.

(5) Upon the Corporation giving such an indemnity the right, title and interest of Government in such lands and buildings and in any sinking fund formed for the repayment of any loan or loans utilised for the purpose of providing tenements as aforesaid, shall vest in the Corporation.

(6) In the event of the Corporation taking over the right, title and interest of Government in such lands and buildings the amount payable under section 195B for each year ending the 31st day of March thereafter shall be reduced by such sum as may be shown to have been the loss to Government upon such lands and buildings, for the year ending the 31st day of March immediately preceding such event, such loss to be estimated without reference to the payments referred to in section 195B.

(7) Any dispute as to the loss referred to in sub-section (6) shall be referred to the sole arbitration of some person to be nominated by the Chief Justice of Bombay who shall be assisted by two assessors, one to be nominated by Government and one by the Corporation, and his decision shall be final."

2. *3.* In sub-section (*1*) of section 32G of the City of Bombay Improvement Act, 1898, for the words and figures "of 28 years" the words and figures "not ~~exceeding~~ *less than 28 years and not more than* 50 years as may be agreed upon by the Board and the employer" shall be substituted.

Amendment of section 32G of Bom. IV of 1898.

Bom. IV 1898.

By order of His Excellency the Honourable the Governor,

G. DAVIS,

Secretary to the Legislative Council of the Governor of Bombay.

Bombay, 8th September 1920.

The following Bill is published under rule 28 (5) of the Rules for the conduct of Business at Meetings of the Legislative Council of the Governor of Bombay :—

Bill No. XVI of 1920.

A Bill further to amend the Bombay Boiler Inspection Act, 1917.

WHEREAS it is expedient to amend the Bombay Boiler Inspection Act, 1917, in manner hereinafter appearing; It is hereby enacted as follows :—

Bom. V of 1917.

1. This Act may be called the Bombay Boiler Inspection (Amendment) Act, 192 .

Short title.

Bom. V of 1917.

2. After section 39 of the Bombay Boiler Inspection Act, 1917, the following section shall be inserted, namely :—

"39A. The Governor in Council may, by notification in the *Bombay Government Gazette*, direct that all or any of the powers or duties conferred or imposed by or under this act upon the Collector of Bombay or so conferred or imposed on the said officer in respect of the City of Bombay as Collector thereof shall be exercised or performed by the Director of Industries, Bombay."

Director of Industries to perform the duties of the Collector of Bombay.

STATEMENT OF OBJECTS AND REASONS.

As the powers and duties conferred and imposed upon the Collector of Bombay by the Bombay Boiler Inspection Act, 1917, in connection with the inspection of boilers, more properly appertain to the department presided over by the Director of Industries, it is proposed to empower the Governor in Council to delegate to the Director of Industries the powers and duties of the Collector of Bombay under the act.

30th August 1920. (Signed) IBRAHIM RAHIMTOOLA.

By order of His Excellency the Honourable the Governor,

G. DAVIS,
Secretary to the Legislative Council
of the Governor of Bombay.

Bombay, 8th September 1920.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

The

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PUBLISHED BY AUTHORITY.

THURSDAY, 9TH SEPTEMBER 1920.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Proceedings of the Council of the Governor of Bombay.

Journal of the Proceedings of the Legislative Council of the Governor of Bombay assembled under the provisions of the Government of India Act, 1915.

The Council re-assembled on Thursday, the 5th August 1920, at 11-30 a.m. at the Council Hall, Poona.

PRESENT:

His Excellency Sir GEORGE AMBROSE LLOYD, G.C.I.E., D.S.O., Governor of Bombay, *President.*

The Honourable Sir GEORGE CARMICHAEL, K.C.S.I., I.C.S., *Vice-President.*

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

The Honourable Sir Ibrahim Rahimtoola, Kt., C.I.E.

The Honourable the Advocate General (Sir THOMAS J. STRANGMAN, Kt.).

The Honourable Mr. SALEBHOY KARIMJI BARODAWALLA.

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

The Honourable Mr. ALI GOHAR BHUTTO, son of GHULAM MURTAZA, Bar.-at-Law.

The Honourable Mr. RUPCHAND BILARAM, LL.B.

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

The Honourable Mr. J. G. COVERNTON, C.I.E.

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

The Honourable RAO SAHEB HARILAL DESAIBHAI DESAI, LL.B.

The Honourable Mr. R. E. ENTHOVEN, C.I.E., I.C.S.

The Honourable Major C. FERNANDES, M.D., F.C.P.S., I.M.S.

The Honourable RAO BAHADUR SIDDHANATH DHONDDEV GARUD.

The Honourable DEWAN BAHADUR KASHINATH RAMCHANDRA GODBOLE.

The Honourable Mr. G. W. HATCH, I.C.S.

The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH, LL.B.

MEDICAL COLLEGE AT POONA.

[*The Vice-President; Mr. C. V. Mehta; Mr. R. P. Paranjpye; Mr. G. S. Curtis.*] [5TH AUGUST 1920.]

The Honourable Major-General W. E. JENNINGS, M.D., I.M.S.
The Honourable SARDAR GULAM JILANI.
The Honourable Mr. BALKRISHNA SITARAM KAMAT.
The Honourable Mr. H. P. W. MACNAGHTEN.
The Honourable KHAN BAHADUR PIR BAKSH WALAD MIAN MAHMUD, C.I.E.
The Honourable Mr. P. J. MEAD, C.I.E., I.C.S.
The Honourable Mr. CHUNILAL VIJBHUKHANDAS MEHTA, LL.B.
The Honourable SARDAR SHRINIWAS COOPOOSWAMI MUDLIAR.
The Honourable RAO BAHADUR VENKATESH SHRINIWAS NAIK.
The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE.
The Honourable Mr. GOKULDAS KAHANDAS PAREKH, LL.B.
The Honourable Mr. ABDUL KADIR *alias* FAKIR MAHOMED walad IBRAHIM KHAN PATHAN.
The Honourable Sir DINSHAW MANOCKJEE PETIT, Bart.
The Honourable Mr. MUNMOHUNDASS RAMJI.
The Honourable Mr. L. ROBERTSON, C.S.I., I.C.S.
The Honourable RAO BAHADUR GANESH KRISHNA SATHE, C.I.E.
The Honourable Mr. C. N. SEDDON, I.C.S.
The Honourable Mr. PHIROZE C. SETHNA, O.B.E.
The Honourable Mr. H. O. B. SHOUBRIDGE, M.Inst.C.E.
The Honourable Mr. PURSHOTAMDAS THAKURDAS, C.I.E., M.B.E.
The Honourable Mr. E. G. TURNER, I.C.S.
The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI.
The Honourable Mr. HARCHANDRAI VISHINDAS, C.I.E., LL.B.
The Honourable Mr. M. de P. WEBB, C.I.E., C.B.E.

The Honourable the Vice-President (Sir G. Carmichael) :—Order, order. In the temporary absence of the Honourable Sir Ibrahim Rahimtoola, who is in charge of the bill for the constitution of village panchayats, I propose to proceed to the discussion of matters of general public interest, and I shall take resolution No. 1 standing in the name of the Honourable Mr. Paranjpye.

"This Council recommends that Government be pleased to open a new medical college at Poona in June 1921."

The Honourable Mr. Paranjpye.

The Honourable Mr. C. V. Mehta :—Mr. President,—Are we not proceeding with the Tobacco Bill ?

The Honourable the Vice-President (Sir G. Carmichael) :—His Excellency will, I presume, make a statement about it when he comes.

The Honourable Mr. R. P. Paranjpye :—Mr. President,—I beg to move the resolution that stands in my name, and which has been read out by you. Honourable members will remember that about three years ago, when our Presidency began to have a larger excise revenue, and we were considering what was to be done with that excess excise revenue, we decided that a part of it should be devoted to the extension of education in all its branches, and that another part of it should be devoted to purposes of public health and sanitation, and at the very first meeting, I believe, when the Honourable Mr. Curtis met some of the members, he sketched out a plan, by means of which medical education in this Presidency was to be helped forward rapidly, and among the proposals that he had mentioned was a medical college in Poona, a medical school at Sholapur, one at Hubli or Dharwar, another at Surat, and one more in Sind. Three years, I believe, have passed since then.

The Honourable Mr. G. S. Curtis :—I beg the honourable member's pardon. Two years and a quarter.

The Honourable Mr. R. P. Paranjpye :—Very well, Mr. President. Two years and a quarter have passed since then, and these plans appear to have been so far only on paper, for anything that the Council knows. I think the general public has a right to complain that progress in this direction has not been more rapid. We have been having this excess excise revenue so long, and one does not know what is going to happen to it afterwards, because in this year's budget

MEDICAL COLLEGE AT POONA.

[5TH AUGUST 1920.] [*Mr. R. P. Paranjpye.*]

it has been practically swallowed up in the general revenues of the Presidency, and has not quite distinctly been shown as a separate item. I think it was pointed out to the Honourable Member in Charge that the need of another medical college was very insistent, and it was practically decided that one more medical college, if not two, one at Poona and another at Ahmedabad, would be taken in hand directly.

The conditions of medical education in the Presidency are getting more and more serious as the days pass. A large number of students are wanting to get medical education, and are knocking at the doors of the only medical college that exists in this Presidency, and I think that Government is bound, in duty as well as in policy, to help on the spread of medical education, because, when we are trying to tackle problems of public health and sanitation, a larger number of well educated medical men is an essential necessity. Consequently, I think that we must take immediate steps to provide for the proper education of medical students. At present we have only a single medical college in Bombay, the Grant Medical College, which teaches for the higher medical degrees. We have got three medical schools in the Presidency, at Poona, Ahmedabad, and Hyderabad, which prepare students for the L. C. P. S. examination, that is, for men suitable for the posts of sub-assistant surgeons. But the number of people that can be trained in these institutions is comparatively small. I do not know the exact number, but I think, it is about 200 or so. On the other hand, in the single medical college in Bombay, there is a very great rush of students. For the last three or four years, various arts colleges in the Presidency have been affiliated for the first year of the medical course, and they are sending up students for what is called the Preliminary Scientific examination for the M. B. B. S. degree, and the rush upon the medical college has, to a certain extent, been relieved at least to that extent. At least in my own college, we have about 100 students preparing for the Preliminary Scientific examination, and I think, there are also very large numbers in the St. Xavier's College and the Wilson College. Now, after these students get through their Preliminary Scientific examination, they must of course get admittance into a regular medical college. The arts colleges are not provided with the necessary facilities for teaching the higher parts of the medical courses. We teach them the purely scientific courses. But they must be provided with facilities to obtain further training. Now, it only shows what kind of reckless inattention is paid to the interests of the student community when only three months ago the Dean of the Grant Medical College, one fine morning, put up a notice on the board of his college, saying that he would admit in the second year only 150 students, and no more. About 300 students had already passed the Preliminary Scientific examination, and out of these 300 students, only 150 were to be admitted to the college, and the remaining 150 were to be left absolutely stranded. I think, a thing like that is possible only in a country like India. In no other country would such a thing have happened, and the students left stranded without the slightest notice. However, public opinion was very greatly roused at this very high-handed proceeding, and for the moment the authorities of the medical college had to yield and had to consent to admit all the students that offered themselves. Then, another regulation was also promulgated that people who had failed in the examination three times were not to be admitted into the medical college again. But that regulation has not been rescinded. But this regulation was made at the instance of the medical *pandits* of our University. A few years ago, students who had failed at any of the University examinations were allowed to appear for the same examination, without being again required to attend a college, as ex-students. But the medical *pandits* of the University thought that that was not enough, and rules were made that even those who had failed once should be compelled to attend college before they could be allowed to appear for the examination. And the consequence has been that these students who have gone through all the teaching that the college can afford, still crowd the rooms and the laboratories of the medical college, leaving less room for those who have to go in for medical education for the first time. This regulation has to a certain extent come in the way of the students. The Medical Faculty of the University has reconsidered this regulation of not allowing ex-students, and I believe, the University will soon make an alteration in the regulation, allowing in future ex-students to appear for medical examinations without keeping terms any more. That will to a certain extent relieve the situation. But I do not think that the situation will be relieved appreciably until we have more colleges. We have, in our Presidency, a population of something like 19,000,000 or 20,000,000, and we have only one superior medical institution for training medical graduates. In other countries, for instance, in England with a population double this, I think, there are over 10 schools of a very high standard which impart medical instruction to the highest pitch, whereas we have only one medical college in this Presidency. I think, we should have several medical institutions considering the amount of ill-health and sickness in this country. We can only get over it by having more institutions for medical instruction. I think, therefore, that the need for new medical institutions or a new medical college is admitted on all hands.

MEDICAL COLLEGE AT POONA.

[Mr. R. P. Paranjpye.] [5TH AUGUST 1920.]

How are we to get over that need? I propose in my resolution that a new medical college should be started in Poona, and I have already explained to this Council that the need is so insistent that we must wake up and take the step immediately. Here, of course, I shall be confronted with a large number of difficulties before a start can be made with a medical college. First of all, I should say that these difficulties are to a great extent our own creation. We created these difficulties because we have not been up and doing during the last quarter of a century. If we had waked up betimes, we would not have been confronted with these difficulties now. Whatever the difficulties may be, I think it is our bounden duty to bestir ourselves and take all steps—and those steps immediately—in order to get over this *impasse*. Poona, I think, is on the whole a very suitable place for the starting of a medical college immediately. Here we have already a fairly well equipped medical school. It takes in about 60 students every year. It has got, at any rate, the beginnings for having a complete medical college. In the second place, the proposed medical college in Poona may not have the first year class at all. The first year subjects which consist of practical work in physics, chemistry and biology are taught quite as well by an arts college. My own college at any rate is coaching up students in these subjects. Consequently the new medical college in Poona may be started only with the second year class. I do not wish that it should start with all the classes all at once in June 1921. What I do wish is that we must make a beginning and try to take away the pressure from the Bombay Medical College as far as possible. The second year students will go on to the third year in 1922, so that in 1922 two classes, one of the second year and the other of the third, will be in existence. In 1923 there will be the fourth year class, and only in 1924 will there be a complete college which will be able to send students up for the final M.B.B.S. examination in April 1925. I think, therefore, if we are earnest about it, four years is not too small a time to have a full college. For the class next year, I think, we might somehow or other make the necessary arrangements. We have got here a hospital. It is not perhaps quite as big as is absolutely necessary, but the hospital has something like 300 beds. Then there is the King Edward Memorial hospital for women students, which can be made use of. In fact, arrangements can be made, if only one wants to make the arrangements, somewhere in Poona. The hospital also requires a little extension and a good deal more of land is required, which I understand, Government are acquiring. But during the course of four years, I think, the necessary building can be put up, and that at the end of four years, say by June 1924, when we open our fifth year class, there will be no difficulty.

We may be asked: "What about the various requirements?" We are particularly told that the amount of clinical materials at the disposal of the college will be comparatively small. In the first place, I might point out that in all medical colleges the number of bodies that the students can get for dissection is now very small. According to the rules of the University every student who appears for the intermediate medical examination is supposed to have dissected complete two bodies. There are about 250 or 300 students that appear for the examination every year, and it is not altogether possible to get 500 bodies a year to dissect for them. A number of students, therefore, work on co-operative principles, two or three taking part and helping in the dissection at a time. The difficulty in getting the necessary number of bodies is one that is felt not in Poona or Bombay only, but it is experienced in all parts of the world. I know several stories are told of the way in which professors of anatomy and their students are said to have violated the sanctity of the grave in order to get bodies to dissect. Those may be mythical stories. However, they illustrate what great difficulty there is in getting the proper amount of clinical material. However, we should not be deterred by that fact. In matters like this some of our experts go on the idea that we should have absolute perfection before taking any step. But, I think, from the point of view of education, it would be much better to have a slightly imperfect institutione rather than have none at all. That is the opinion which people in general would take. Try your best to have an institution as perfect as possible. But because it is not perfect, therefore, we must have none, is an argument which I do not think will be admitted by the general body.

Then the starting of medical schools at Sholapur, Dharwar or Hubli and Surat, along with the medical college in Poona, will have to be taken in hand. For a year or two the medical school and medical college may go hand in hand. That school will probably have to be located at Sholapur. Sholapur is a very good place. A new hospital has been erected there, and probably you will be able to have an efficient medical school there.

I do not think there will be any difficulty in getting the necessary staff. As such, institutions give facilities for doing research work, many eminent medical men would be content to work on comparatively less emoluments on the staff of medical institutions than practise privately. Thus there would be no difficulty whatsoever in getting the most competent men to staff our medical

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college. New buildings that will have to be erected can be easily put up during the course of four years which are allowed for the completion of this medical college. The need for it is so patent that it is needless for me to say more on the subject. What I want the Council to do is to ask Government to hurry up and not go on in its own red tape manner about which His Excellency spoke yesterday. I want them to get out of their red tape rules and proceed more quickly, and get rid of the difficulties which students are experiencing. There can be no doubt that we must encourage our young students to go in for medical education. If we want our health and sanitation improved, a large number of suitably trained men are required who would be practical medical and sanitary missioneries in this Presidency. With these remarks I commend this resolution to the acceptance of this Council.

The Honourable Rao Saheb H. D. Desai:—Sir,—It is no doubt true that the need for greater facilities for medical education is urgent, but it is not confined to Poona only, and I really wonder why it has not occured to my honourable friend to include in his resolution Karachi as well as Ahmedabad. If there is need for additional facilities for medical education, that need is greater for Karachi and Ahmedabad than for Poona, because Poona is so near Bombay and can very well avail itself of the college at Bombay than the other two places. I am sorry to have to refer to this drawback of the Honourable Mr. Paranjpye's resolution, because, I believe, it is the duty of every public man not only to look to a particular portion of the Presidency but to treat all the portions of the Presidency equally, justly and fairly. Knowing as I do that the Honourable Mr. Paranjpye has a great desire to give educational facilities all round, I wonder why he has not included Ahmedabad and Karachi.

I think this resolution is a little inopportune. The new councils will be coming into existence very shortly, and then perhaps there will be greater opportunities for doing what may be necessary with reference to affording larger facilities for medical education. I do not think that any resolution of this extreme character should tie down the freedom of those who are shortly to take charge of the educational portfolio.

The Honourable Mr. G. S. Curtis:—Sir,—I think the Council will be glad if I rise to make a statement on behalf of Government at once, because, I think, I can show that Government have done all in their power to give effect to the policy which the honourable mover of this resolution has just enunciated. I say that with great pleasure, because, Government policy has been worked on the lines laid down by Surgeon General Lyons to whom this Presidency is under great obligation for his exertions in the matter of medical education.

The honourable mover has said that three years ago I made an announcement with reference to the opening of medical institutions in the Presidency. I interrupted him and said it was two years and a quarter. From further consideration of the matter I find the remark was made by me in December or January 1918, that is, as a matter of fact, scarcely eighteen months have elapsed since that announcement. He further asked where the balance of the excise revenue, which is called whisky money and which was proposed to be allocated to medical education and relief in this Presidency, has gone to. I refer him to page 204 of the Civil Estimates. There he will find that in the budget estimate for 1920-21, excise revenue of Rs. 18,63,000 appears in the medical budget under Head 24A.

I now propose to show shortly what has been done in order to improve the facilities for medical education during the past eighteen months. I must start with saying that it is not desirable that the only medical college in the Presidency should be the Grant Medical College which is at present attached to the J. J. Hospital. It is unquestionable that the number of students has increased there out of measure, and the problem of dealing with the large number of young men who are joining that college for medical education has given the Honourable the Surgeon General and the Dean of the Grant Medical College and my humble self, a good deal of anxious thought during the past two or three years. But that is unavoidable. We cannot in the matter of medical education proceed too quickly. After all, the license to practise medicine connotes, at any rate in this Presidency, a high standard of professional attainments, and I think, this Council will endorse the view already expressed by my humble self on various occasions, that it is necessary, as far possible, to keep that standard up to the level of the degrees granted by European Universities. At the present moment we have, as this Council are aware, one medical college in Bombay, and medical schools at Hyderabad, Ahmedabad and Poona. These medical schools originally taught for the appointment of the grade of sub-assistant surgeons, but since the constitution of the College of Physicians and Surgeons, the authorities now insist that all students anxious to obtain the grade of sub-assistant surgeon should qualify for the license examination of the College of Physicians and Surgeons. This postulates possession of a considerable degree of education on the part of students, and eventually a very much higher

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standard of professional attainment will be obtained. The mere fact of the existence of these schools which already confer one degree, complicates the question of a college alongside considerably. Government has not been slow to take up the problem. Recently a strong committee of which the Vice-Chancellor of the Bombay University and the Honourable the Director of Public Instruction were members, has been sitting at Ahmedabad with a view to working out the arrangements by which a medical college can be started and the students who join the medical college can receive the scientific part of their first year's education at the Gujarat College. The conclusions of the committee have not yet been reviewed by Government but the general principles laid down by that committee will be of general application to any centre in which Government may hereafter wish to establish a medical college.

As regards Poona itself, we have for some time past contemplated the establishment of a medical college, but it is not a thing that can be started in a day. As the Honourable Mr. Paranjpye has told the Council in his opening speech a very large area of land is necessary. An area adjoining the medical school has already been acquired and some more lands further up are being acquired. In connection with the acquisition of the former an appeal is likely to be made to the district court on the question of compensation.

At the same time it will probably be necessary to transfer the medical school for the training of sub-assistant surgeons at Poona to Sholapur, but I am not quite clear on the subject as that will require a certain amount of careful thought. It is a fact that there is a new hospital at Sholapur, but that hospital until quite the other day was occupied for the purposes of war by certain German internees who had been removed to Sholapur from Siam. Recently it has been placed at our disposal once more. I believe at the present moment the equipment of the hospital is still proceeding, and it will take some time before the hospital is put in working order. And when it is possible to place at Sholapur a competent officer, Government will probably at once proceed with the constitution of a medical school at that place to take the place of the existing medical school of sub-assistant surgeons in Poona. When that transfer is complete it will be a comparatively simple matter to evolve arrangements for the constitution of a medical college at Poona. At the same time I understand from the Honourable the Surgeon General in whose place I am explaining to the Council the details, that the organization of a fully equipped medical college requires a certain amount of thought and co-operation on the part of those concerned in the management of the adjoining colleges. I venture to hope that when time comes to consider the details, we shall have the co-operation of the Honourable Mr. Paranjpye and others in Poona.

As regards other matters which the Honourable Mr. Paranjpye mentioned they are not strictly within the scope of this resolution, namely, a medical school at Dharwar and Belgaum. The Honourable the Surgeon General's proposal was to start a medical school at Dharwar. But there are various difficulties which are at present being considered. Belgaum would be a suitable place for such a school, and I understand that point is being considered. The question as to which centre is to be selected is under the consideration of Government.

The question of improvement of the medical school at Hyderabad has also been actively considered. One important change has been made in that school. It was originally formed as a semi-local board institution and now it has been made a Government institution. The question of the acquisition of land for the extension of the school is under consideration. I think a great deal has been done in that matter. At any rate, a start has been made and the matter is under the serious consideration of those concerned.

That, sir, is the position as far as I can give it. With reference to the terms of the resolution, I think, I should endorse what has fallen from the Honourable Rao Saheb Harilal Desai. The honourable mover asks us to say that the college shall be opened in June 1921. I am advised that that is physically impossible. But apart from that fact I entirely agree with the Honourable Rao Saheb Desai that we cannot in a few months specify for our successors from what date we can start a college. It may or it may not be the pleasure of the new council that the particular college shall be opened on this particular date.

I would, therefore, ask the honourable member to withdraw the resolution with the assertion that Government have not been idle in the matter and everything is being done that can be done.

I only want to mention that the honourable Mr. Paranjpye makes no reference in his opening speech to the King Edward Hospital and the medical college attached to it on which 12 lakhs are to be spent. That college is, I understand, to be managed by the Bombay municipality. I understand that plans for its erection are ready and the construction will be shortly taken in hand. With these remarks, I hope, the honourable member will withdraw the resolution.

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The Honourable Mr. R. P. Paranjpye :—Mr. President,—With reference to the remarks of my honourable friend Rao Saheb Harilal Desai I would only point out that I fully agree that there should be a medical college at Ahmedabad and also at Karachi.

The Honourable Mr. D. V. Belvi :—And also at Dharwar.

The Honourable Mr. R. P. Paranjpye :—Well, and also at Dharwar. But Dharwar has not even the beginning of a medical school as yet.

I hope at least three medical colleges would probably be started in the near future. But at present Poona is probably a bigger educational centre than Ahmedabad, although Ahmedabad is in a fair way to be a rival to Poona in course of time. But particularly the number of students in the preliminary scientific class in Poona is far larger. I know of course to a certain extent what the Honourable Mr. Curtis has told us about the plan to start a medical college in Ahmedabad, and I quite welcome that idea. I also would point out to the Honourable Rao Saheb Harilal Desai that it might probably be a question whether the Presidency can absorb three new medical colleges at one and the same instant. If one medical college is started at first in Poona it will also help directly the other places like Ahmedabad, as the students from the Deccan will not go to Bombay, and much more room will be available in the Grant Medical College for the students from Gujarat. The medical college in Poona will attract students from the Deccan and also other parts of the country.

The Honourable Rao Saheb Desai told us, and the Honourable Mr. Curtis echoed his remarks, that we should not commit our new councils to any new line of policy. I would seriously ask my honourable friend Rao Saheb Harilal Desai whether he thinks that there is likely to be any objection or opposition to an increased grant for medical education from the new councils. I think on the contrary they will welcome any beginning that we might have made. It is rather curious to see the Honourable Mr. Curtis echoing the Honourable Rao Saheb Desai in his remarks about committing our new councils to a new policy. But is not Government committing the new councils to various new things ? In the course of my speech on the budget two days ago, I protested against the creation of a large number of appointments and thus tying the hands of the new councils, but it was the Honourable Mr. Curtis who opposed me, and now, I think, it is rather awkward, to say the least, for the Honourable Mr. Curtis to come and say that we are tying the hands of the new councils.

The subject-matter of my resolution is a point on which the representatives of the people and the people are very keen, and therefore, there would be no danger of committing the new councils to things on which the public are not keen. However, I leave that point where it is. I only wanted to show the inconsistency of the Honourable Member in Charge. It is an argument which might possibly sound very well in the mouth of my honourable friend Rao Saheb Desai, but it does not sound quite so well in the mouth of my honourable friend Mr. Curtis. However, from what I have heard from the Honourable Member in Charge, I gather that he is prepared to undertake to go into the whole subject. What I want is a distinct undertaking that such and such a thing is going to be done. He told us that some schemes are under consideration but that they will take a large amount of time and thought. We all know a very great amount of thought and also time is required for any scheme to materialize. What I want, and what the country wants, is a distinct undertaking that you are prepared to do something immediately in the matter. He also told us that it was no use lowering the standard in the matter of law or medical education. I am not at all in favour of the lowering of any standard. But that is no reason why we should not make a beginning by having an institution even with a lower standard, rather than go without any. It may not be an ideal or a perfect institution to begin with. It takes time for any institution to come to a perfect state. Are we, therefore, stopped from starting any institution ? Can we say even of our Grant Medical College that it is a perfect or ideal institution and can be compared with the best institutions of the West ? It is a good institution, but it took a certain amount of time and required a great many improvements to come to its present state. That college did not come into being all at once like a Minerva from the head of Jupiter. Some medical members of the Council might be able to tell us what exactly was the state of the Grant Medical College in their own days, what it was then and what it is now. You will find, then, that even the Grant Medical College is capable of evolution, and similarly any institution will be capable of evolution and improvement. I therefore want a beginning to be made without any delay. Further, I want an undertaking from the Honourable Member in Charge that until more provision has been made the refusal of admission to the numerous students who knock at the door of the Grant Medical College will not be put into effect.

The Honourable Mr. G. S. Curtis :—I rise to a point of order. We are not concerned, in discussing a resolution of this kind, with the internal management of the Grant Medical College.

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The Honourable Mr. R. P. Paranjpye :—Well, I might point out that the order for refusing admissions into the Grant Medical College was given after obtaining the sanction of Government, and my proposition is.....

The Honourable the Vice-President (Sir G. Carmichael) :—I hardly think that any decision or order affecting the internal management of the Grant Medical College in Bombay is relevant to the subject of the resolution, which is, whether we should open a medical college in June 1921 in Poona.

The Honourable Mr. R. P. Paranjpye :—My point, sir, was that the authorities of the Grant Medical College are refusing admissions with the sanction of Government, and I want Government to undertake that the doors of the Grant Medical College will not be closed to students until some other arrangements are made for them. I submit that this is quite a legitimate point to make on a motion of this kind. However, I hope that the result of the discussion that we have had on this motion to-day, will speed up Government, and make them take all the necessary steps without giving too much attention to red tape, of which His Excellency the President himself complained the other day, and I, therefore, ask for permission to withdraw this resolution.

The resolution was by leave withdrawn.

VILLAGE PANCHAYATS' BILL.

The Honourable the Vice-President (Sir G. Carmichael) :—Further discussion of Bill No. XI of 1919. The Honourable Dewan Bahadur Godbole.

The Honourable Dewan Bahadur K. R. Godbole :—Mr. President,—I rise to accord my hearty support to the Village Panchayats Bill as amended by the select committee. The bill as it has come from the hands of the select committee, contains one serious defect which we have all been speaking about, and that is that it contains no provision as regards the exercise of judicial functions. The essential idea of a panchayat as understood in this country is, that it should be an institution for the settlement of disputes. The word "panchayat" means that, and it is a disappointment to us all that the bill makes no provision for giving judicial functions to panchayats. Apart from this deficiency, however, I think the bill is very useful so far as it goes. The district local boards, as constituted at present, experience great difficulty in managing the areas under their control, because the funds at their disposal are small, and the agency that they have at their disposal is very limited. The bringing into existence of a local agency for dealing with village problems is, therefore, very welcome to them. I find from experience that in the case of local board works that are carried out in the different parts of the district, the works though executed satisfactorily at first, go into disrepair and oftentimes to ruin on account of the want of a local agency on the spot to keep the works in adequate repair from time to time. It is heart-rending to see that a fine local board well, constructed by a district local board for the village water supply gradually goes into disrepair, and after a time the special repairs needed for that well cost almost half the amount that has been spent on its original construction. The villagers, on account of want of any one on the spot to see that the well is kept in proper order, allow the gutters round the well to be choked up, the ráháts attached to the well to be stolen, and the parapet of the well to get damaged, and so on. What the district local board has been doing is thus brought to naught. In the case of dharamsalas also we find that the tiles of dharamsalas are stolen, and that the rafters are broken and taken away by people to be used as fuel. All this happens because there is no one on the spot to see that the district local board property is kept in proper repair. There is one overseer in a taluka, who visits the works in a village perhaps once in a year and the only thing that he does then is to give some whitewash to the work and execute some petty repairs. He then comes away. He visits the village again probably after one year more. In the case of roadside trees also I find that the district local board expenditure on maintaining these trees often is lost and becomes useless. The board places fences round young trees; these fences after two or three months are found to have been removed by the villagers and used as fuel. The young trees then go to ruin. The road-side trees are also lopped and cut by villagers and used as fuel. In this way the property of the district local board, on account of want of an efficient agency on the spot to look after it, very soon goes to ruin. I think, therefore, that the village panchayats which will come into existence after the passing of this bill will be a great help to local boards in the management of their areas.

An ideal system of local self-government would be to have the central district local board to administer the whole district, and a series of panchayats under it working in all the villages in its charge. In the Poona district we have got about 1,200 villages. If about 25 or 30 panchayats are established in each taluka, some panchayats dealing with three or four villages, and in the case of bigger villages a panchayat being formed for each village, the system would

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be ideal. The district local board will have a central office and a set of officers for supervising and directing the execution of all the works which are to be carried out by the village panchayats, and under the guidance of the central agency the works will go on all right. Each local area itself will have a local agency that will execute its works with local knowledge and with local interest. The best part of the arrangement will be that there will be a local agency on the spot to watch the works from day to day and to see that they are kept in proper and efficient repair after they are constructed.

I find also that if the Village Panchayats Bill is passed, it will place at the disposal of the district local boards a large set of additional funds. The district local boards spend a lot of money at present on the improvement of village water supplies and on the improvement of sanitation in villages, but, as I have been telling the Council, the efforts of the district local boards have yielded up to date very unsatisfactory results on account of the want of local upkeep agency. The villages in our Presidency are in a most deplorable state as regards sanitation. Government officers and those that have business transactions in a village find how dirty an average village is. The environs of the village and all the open places in the village are used as latrines; and the water supply which is used by the villagers is polluted. The consequence is that many villages have become unhealthy and hot beds of fever and other diseases. I have observed villages where half the village was down with guinea worm on account of bad water supply. The prickly pear is allowed to grow to such an extent as to almost knock at the doors of the villagers' houses. I ask this Council, therefore, to support this village panchayat legislation and bring these village panchayats into existence as early as possible. That is the only way of improving the sanitation of villages and that is the only way of making district local board administration really effective as it should be. I repeat once more that the district local board as the central administrative body and a number of panchayats spread over the whole district, each panchayat administering its own works and other affairs with funds collected by themselves, and with funds allotted to them by Government and the district local board, will be an ideal scheme of local self-government, and I have no doubt it will be successful.

I have already remarked that this legislation will bring into existence additional funds for the improvement of village areas, and those funds will be the proceeds of the house taxation that the village panchayats will impose. In the Poona district local board which I am administering at present, we have got about 180,000 houses in rural areas altogether, and even if half of these houses pay the tax that the panchayats will impose, the yield will amount to about Rs. 90,000, or say Rs. 1,00,000, and this amount will be available for the improvement of the water supply of villages and for the improvement of the general sanitation of villages. The bill is therefore extremely useful. The best feature of it is that the tax which it proposes to impose is comparatively very light. Probably the tax that will be sanctioned will be a house tax of Re. 1 per year, and, what is Re. 1 per year? The cost of labour even in the outlying places of districts has risen, and what the panchayat will ask will be that one adult member of a family is to give his two days' wages as the house tax. I do not think that that is a great amount to ask.

Considering all aspects of the case, the village panchayat will be a great boon, and the sooner it is brought into existence the better. I therefore accord my hearty support to the second reading of the bill, drawing attention again to the deficiency which I mentioned at the outset of my speech, namely, the absence of assignment of judicial functions to panchayats. I am sure the new Council will supply this deficiency after the present Village Panchayat Act has been in operation for three or four years.

The Honourable Sheikh Ghulam Hussein Hidayatallah :—Mr. President,—Yesterday we were told by the Honourable Rao Saheb Harilal Desai that he preferred nomination to the panchayat to the extent of one-fifth, to the patel being an *ex-officio* member. We all know that the minimum number of the members of a panchayat will be five; the maximum might be ten, fifteen, or twenty. Let us take it at ten. If there be ten members, and if we adopt the principle of the Honourable Rao Saheb Desai, there will be two nominated members. Now, the probability is that one of them will be the patel, the hereditary officer of the village, so that he will come in by nomination. Therefore, I submit that nomination will only make matters worse. We know that all these patels are hereditary officers, and have some administrative experience. This is so far as the Presidency proper is concerned. In Sind and some other parts of the Presidency there are no patels; so that we shall have wholly elected panchayats, and panchayats with patels as *ex-officio* members. We will thus have experience of both, and if we find that the patel obstructs the progress of the panchayat, legislation might be brought forward to do

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away with the patel as an *ex-officio* member. Further the patel is only one of the five. Supposing a panchayat consists of ten members, I do not think he will be able to influence all the ten.

The next point that the Honourable Rao Saheb Desai raised was with regard to adult suffrage. He wanted to introduce instead of it a small property qualification, and his grounds were, first that adult suffrage only increases the number of votes. He said that if a father had five adult sons, the result would be that all the five sons would vote as the father desired, and he introduces the low property qualification in order to give each family only one vote. I also think that females will naturally have somebody to guide them, and if males follow their elders, I am sure the females do it much more. Therefore, I do not think a property qualification is better than adult suffrage. Besides, my honourable friend is very anxious that franchise be given to females, and therefore he wants to introduce the principle of property qualification. I am afraid there will be many adult males and females who might not have any property, and they will go without a vote, but if we adopt the principle of adult male suffrage, after some time, when education has progressed, it might be extended to females also.

The third point that was urged was that the talukdars, inamdars and jahgirdars ought to be nominated as *ex-officio* members, like the patels. It is strange that, on the one hand, the principle of the patel being appointed as an *ex-officio* member, should be disapproved of and on the other hand the principle of the jahgirdars and talukdars being nominated as *ex-officio* members should be advocated. Most of these jahgirdars, at least in my part of the country, do not reside in the villages. If at all they ought to be on the panchayat, they can come in by election, and in these days of democracy, I do not think we ought to advocate special rights to jahgirdars, inamdars, or others.

Much was tried to be made of the absence of judicial functions. When this bill was introduced, I myself was one of those who advocated that these panchayats be invested with criminal and civil powers. But as an experiment, I think, we ought to try to see how far panchayats work satisfactorily. If they work successfully, supplementary legislation might be brought in to invest such panchayats as have worked satisfactorily with criminal and civil powers. In this connection reference was made to the Central Provinces Bill. The honourable mover yesterday told us that there the panchayats are wholly nominated. Here we have got elected panchayats, and if after a little experience we find that they have been working satisfactorily, they might then be invested with judicial powers.

The one great need that this bill supplies is the local agency for the district local boards. As was pointed out by the Honourable Dewan Bahadur Godbole, all the works of local boards will be very well looked after and maintained by these agencies. In fact, this bill is of a very far-reaching character in the direction of local self-government. It gives us, with the exception of the patel, wholly elected panchayats, adult suffrage, and non-official presidents. With these remarks I support the second reading of the bill.

The Honourable Mr. P. A. Desai :—Mr. President,—I should like to support the second reading of this bill. If two alternatives are placed before me, either to accept the bill in its present form without any amendments, or reject it without the amendments being accepted, I say that the first alternative, namely, to accept the bill even in its present form without the amendments is preferable, because the bill is a distinct advance in the matter of local self-government.

There are three features which are welcome in this bill. The first is adult male suffrage. The Honourable Rao Saheb Harilal Desai said that a property qualification ought to be placed there. But the present arrangement is more advantageous than property qualification, because we see that in the villages there are many people who have no property worth the name. The second distinct advantage is that except in villages where there is a patel, the body will be wholly elected. Of course there is an amendment that the patel should not be an *ex-officio* member, and I will say later on what I have to say about it, but even assuming that the amendment is not accepted, I say that the body, except in villages where there is a patel, will be a wholly elected one.

The third and most important feature is the freedom from official control. So, I say that the present bill gives us these three distinct advantages in its present form. It is most advantageous, and therefore I say that I support the second reading of the bill.

Now, the Honourable Dewan Bahadur Godbole has pointed out to us that at present there is nobody in the village to take care of the district local board property. There is nobody to look to the supply of good drinking water, there is nobody to cleanse the public roads, the drains, the tanks and wells, there is nobody for the construction, maintenance and repairs of the roads, drains, and so on, and there is nobody to take care of sanitation, conservancy, and so

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on. So, I say that as these matters are urgently needed, the establishment of panchayats is urgent. With these remarks I support the second reading of the bill.

The Honourable Mr. D. V. Belvi :—Mr. President,—I rise to support the second reading of the bill in a few words. I do not agree with all that has been said by the honourable mover in support of his motion for the second reading of the bill. I do not agree with his argument as to why the franchise is to be confined at present only to adult males. I should have been better pleased to see that the franchise had been extended even to adult females. There is no reason whatever as to why the franchise should be withheld from adult women. If we take the standard of literacy we find that in the case of the rural population, at least 92 per cent. of the people are illiterate. Why should adult males be allowed to vote, and why not adult females also? No satisfactory reason is adduced, and at any rate, to my mind, the argument advanced by the honourable mover of the bill, is unconvincing and inconclusive. But I do not wish to see the bill wrecked on this ground. I should like to have what is offered to us at present, and I should be glad to have this legislation amended in course of time.

It is contended by some of my honourable friends that the bill is next to nothing as it does not confer civil and criminal powers on village panchayats. There is considerable force in that argument. But we have to take the bill as an experimental measure, and as I have already said at the first reading of this measure, it is rather difficult to believe that these powers would in all cases be satisfactorily exercised. I have grave misgivings as to whether such judicial powers will be satisfactorily exercised, at any rate in my part of the Presidency. I should like to wait, say for a period of five years, and I should like to see that education is developed, and then these powers may be conferred on panchayats in due course.

The bill is based upon the great principle of universal election. It is true that the village patel will be an *ex-officio* member, and we cannot strictly say that it will be election pure and simple. But if we take into consideration the traditions of our country, before the introduction of British rule into India, I am not at all sorry that the hereditary patel is to be a member of the panchayat. It would have given me greater pleasure to see that village accountants were also included as *ex-officio* members of panchayats. Our idea of the old panchayat was that the village patel and the village kulkarni were members of the panchayat. The latter has unfortunately now fallen on evil times; he is not in the good graces of Government at present. However, I am quite sure that despite the disfavour into which he has fallen, he will find his way into the panchayat in many cases by the open door of election. He is a man of some influence. Generally he is a man of education, and he will get himself elected in 99 cases out of 100. All I want to say is that I am not at all sorry that the village patel is to be an *ex-officio* member of the village panchayat. The only cases in which a difficulty will arise will be cases of inam villages or alienated villages in which inamdars have a right to nominate the patel. It is rather awkward to find that the nominee of an inamdar sits on the village panchayat *ex-officio*, whereas his master, an inamdar, has to get himself elected. This is rather a curious position to understand. But with all that, this is not an adequate reason why the bill should be thrown out altogether. There are difficulties in everything. But difficulties will have to be solved. Let us accept in good spirit what has now been offered. Let us have half the loaf rather than no bread. In accordance with this principle, I have much pleasure in according my support to the second reading of the bill.

The Honourable Mr. S. B. Upasani :—Sir,—at the discussion of the first reading of the bill several points were suggested by honourable members for the consideration of the select committee; and I have no doubt that they must have all been duly considered. Very few of them, however, appear to have been adopted, and the framework remains as it stood before. No doubt some amendments have been embodied in the bill by the select committee, but they are on minor points, and it appears there was difference of opinion in the select committee on the more important points, and six out of eleven members of the select committee have recorded minutes of dissent.

The first point of difference was as to the constitution of the village panchayat. As regards this, I think, all members congratulated the honourable mover of the bill on his having extended the adult male franchise and made panchayats practically elected. The main difference was about extending the franchise to females and appointing the patel as an *ex-officio* member. As regards the latter point, the amendment embodied in the bill shows that the revenue patel has been put in instead of the police patel. This amendment was accepted by way of compromise. But I am afraid it will work more hardship than if the police patel only were retained. If the revenue patel be an *ex-officio* member, the police patel who is ordinarily more influential than the revenue patel will easily get himself elected. Then there is also the village kulkarni who will also get in with the patel. Thus instead of one member being on the panchayat

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ex-officio, we shall probably have three members out of five, who will be official members—and more or less under the influence of the local authorities—and the non-official members will be in the minority. This is a point which will have to be considered at greater length when we come to deal with the amendment thereon.

The next point of difference was as regards the functions which these bodies were to exercise. Those embodied in the bill are more or less on the lines of those which are entrusted to our municipalities, notified areas and sanitary committees. I think that unless some greater voice in the local administration of the village is given to these panchayats, there will not be much enthusiasm among the village people to work on them. So far back as 1882 no less an authority than the late Justice Ranade stated as follows :—

> "There can be no doubt that local self-government limited to conservancy and charitable functions, is more or less a misnomer, and is doomed to inevitable failure. For, it will never secure the same enthusiastic support by the population which would have been enlisted if local bodies had been organized on the English plan of appointing the representatives of the local gentry, conservators of peace and guardians of law, and associating with them representatives of rate payers in every local board. It will be found that in no single self-governed country of Europe or America has the power and responsibility of magisterial and police functions been denied to the local governing bodies."

The object of this measure is not merely to create bodies similar to our sanitary committees but bodies which will be the training grounds for the new responsibilities that are to be transferred to the people under the Reforms Scheme. The object of a measure like this was well explained by the Honourable Mr. Jathar who moved the bill that was brought before the Central Provinces Council. He said :—

> "The main object of the bill is to develop the corporate life of the individual villages, and to give the villagers an interest in, and some control over, local village affairs in a manner which will enable them to learn how to co-operate for the common benefit of the village, for realizing the common responsibilities and for bearing the common burdens. It is thus intended that the village with a panchayat should be a real and self-reliant unit, competent to give useful assistance not only in the administration of civil and criminal justice, but also in the discharge of various administrative functions. It is hoped, that with this assistance it would be easy to effect material improvement in the present village administration."

Thus it was desired that those who will have to work on these panchayats should have an effective voice in the details of the village administration, if not absolute control over them.

As regards civil and criminal powers, I may point out that they were included not only in the bill brought before the Central Provinces Council, but also in the bill that was brought in the United Provinces Council. The Honourable Mr. Keane who moved the bill in the latter Council said as follows :—

> "For many years officers and people who are familiar with the working of our administrative system have deplored the ruinous effects on the peasantry of the country, of their growing familiarity with litigation and their growing habit of resorting to litigation. Petty disputes are continually being taken to distant headquarters and are being fought out for days, and even for months, until the longest purse eventually wins. The restraint of local opinion is removed at far headquarters and perjury and advocacy help to make the worse appear the better cause. Naturally many men have inquired what the best remedy is for this state of affairs, and the first idea that strikes most people is to make use of the model of caste panchayats which are already in vigorous existence."

In the bill moved in the United Provinces Council elaborate provisions are embodied as regards the offences to try which the panchayats are to have jurisdiction and also as regards the civil suits which they may entertain. In our Presidency the village patel has criminal powers under the Village Police Act in petty criminal cases, which powers are often abused. The patel is generally a very illiterate man, and even at headquarters we often hear complaints of abuse of power by him. When the Police Act Amendment Bill was before us, I made it a point to bring those abuses to the notice of the Council, and Government did contemplate going into the matter and taking the necessary action. The Commissioners, however, did not recommend any change. So the evil continues. I think, the powers that are exercised by the patel alone may more usefully and without any danger of abuse be exercised by the panchayats. There would be less chance of abuse when five men sit to dispose of a matter than if it were left to one individual only.

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As regards honorary magistrates, I may observe that they are invested not only with third class but with second and even first class powers. Many of them, however, are far from having the legal knowledge and experience necessary for the satisfactory discharge of their functions. Even as regards petty civil suits of Rs. 10 or Rs. 20, I may point out that villagers have to go to distant taluka courts, and where there are no such courts, to courts in another taluka. Now, instead of putting the villagers to this inconvenience, would it not be better if five people sitting as panchayat were given the power to dispose of these suits up to say Rs. 50 as village munsiffs? If that is done, I think, there would be no danger of abuse, and our bill would be very much improved without much risk.

Then comes the question of the duties that are imposed on the village panchayats under the bill. Among these duties are the construction and maintenance of roads and bridges. I do not know whether villages with their limited means would be able to discharge these duties at present. Much of the income of the local boards is absorbed by these roads which ought to be taken up as provincial, and constructed and maintained out of provincial funds, instead of being charged to the local boards. Out of the one anna cess, eight pies in the anna are expended on these works. Very little is thus left for doing the needful as regards education and sanitation. I think that this burden as regards roads and bridges should not be thrown on the panchayats especially when no limit is placed as regards the share which they should bear of the cost required for these works. These are, however, matters of detail.

Another defect in the bill which I should like to have remedied is the absence of any express provision as regards the extent of the help which the panchayats are to receive from the district boards and the Government for the discharge of their duties. In the first place, we have made statutory provision to impose obligatory duties on the panchayats and to require them to impose house-tax and other taxes on the village people, but as regards the help that they are to expect from Government or the district boards, it is all left to the discretion and sweet will of Government and the district boards.

In the United Provinces it was very wisely decided not to give these bodies the power of taxation for the present. While introducing the United Provinces Panchayat Bill the Honourable Member in Charge, Mr. Keane, in the course of his speech said:

> "For the present it is not proposed to give to the panchayats any power of taxation. The panchayats will be elected according to the ascertained wishes of the majority of the inhabitants of the villages."

Then as regards the financial portion of the bill the Honourable Mr. Chintamani also said:

> "I heartily agree with the honourable member that it is quite wise not to give to these panchayats, in the beginning at all events, the power of new taxation. The Decentralization Commission have urged very strongly that the establishment of panchayats should not be associated with the imposition of the new taxation by them, for then they would start with an atmosphere of prejudice, and the motive of Government and the objects of the panchayats will both be misunderstood and misinterpreted."

The Honourable the Chairman (Mr. G. S. Curtis*):—The honourable member has only half a minute more.

The Honourable Mr. S. B. Upasani:—I do not think there is any time limit for a speech on the second reading of a bill.

Then Mr. Chintamani continues:—

> "At the same time I think some provision more definite in its character than the provision actually inserted in the bill should be made to provide these panchayats with adequate funds."

The Honourable Sir Ibrahim Rahimtoola:—Let me say one word in connection with the point. Honourable members are aware that we are in the fourth day of our sitting. The wording of some sections forms the subject of the amendments, and those amendments will be debated. I would therefore ask honourable members whether they would not briefly refer to the principles involved on the second reading. Otherwise there will be such a long time that the Council may have to sit for several days more. Of course they are entitled to do so but I would merely ask honourable members whether they would not be brief.

The Honourable Mr. S. B. Upasani:—We were told only yesterday by His Excellency that we would be allowed to speak at length on the second reading, and it is under that ruling that I tried to refer to the main points in detail. As I read from the proceedings of the United Provinces

* The Honourable the Vice-President (Sir George Carmichael) was temporarily absent at this stage.

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Legislative Council, the Decentralization Commission urged very strongly that the establishment of panchayats should not be associated with the imposition of any new taxation by them. And, therefore, it would have been better if the power for the imposition of taxes had been withheld from them at least for the present, or, at any rate, some corresponding definite provision had been inserted to assure the villagers that adequate help or at least an equal share of the expenditure will be forthcoming from Government and the district boards. With these few remarks I resume my seat.

The Honourable Rao Bahadur G. K. Sathe :—Sir,—I should have been really inclined to listen to the sound advice given by the Honourable Member in Charge. But sometimes it becomes difficult while one speaks on the amendment not to go outside the purview of that amendment. Therefore, I intend to offer a few remarks on the several points raised in the debate and on the questions referred to by the honourable members who have preceded me. I was on the select committee, and I am one of those who have supported the inclusion of the patel as an *ex-officio* member on the village panchayats, and also I have supported the recommendations of the select committee on the other points, namely, the adult male suffrage and not to have recognition of adult female suffrage.

On the third point, *viz.*, investiture of judicial powers, I have also appended a minute of dissent. Looking to the fact that if we were to press that point to a vote the whole bill will be delayed, and one did not know when it would be coming again for discussion before the Council, many of us thought that it was not opportune to press the question of the inclusion of the judicial powers in the Village Panchayat Bill. It was therefore that we allowed the present bill to pass through the select committee in the form in which it has now emerged. Howsoever desirable it may be to invest panchayats with judicial powers, still one need not press that point at this stage, because, it is yet to be seen how far the village panchayats become a success so far as the administrative side of the business is concerned. If favourable experience is gained, then certainly under the new regime it would be open for any of us to tack on this to the present act or introduce a separate bill giving judicial powers to these panchayats. It is on that ground that, though I was very keen on that point and though I did press it on the attention of the select committee, I do not propose to oppose the second reading on that ground. Before I go to the other points, let me say that I really am thankful to the Honourable Mr. Belvi for the broad view he has taken of the bill though he does not agree on certain points involved in the bill.

The greatest opponent to the form in which this bill has been presented is my honourable friend, Rao Saheb Desai, and to a certain extent my honourable friend, Mr. Upasani. The Honourable Rao Saheb Desai's objection appears more to the village patel being on the panchayat *ex-officio*. He has given his reasons *in extenso* in the minute of dissent. I will not read them out, but it appears to me from the manner in which he has described this officer of a village, that he has a very strong dislike for him. I do not mean to say that there may not be instances of patels who may be of the description which he has depicted in his minute of dissent, but at any rate they must be few indeed. Let us examine the several alternatives to which my honourable friend has referred. He told us that personally he would prefer to have one-fifth nominated members. When he said so, I think, he said it merely in opposition to the present form of the bill without considering the effect of it. In adopting the present form the select committee has thought it fit to depart from the usual formula on which these local bodies' constitution has been built up, namely, of securing some seats by election and some by nomination. It was to give away the principle of nomination which stinks in the nostrils of many that this procedure was thought fit to be adopted.

If there is such a dread for this patel, how can my honourable friend, Rao Saheb Desai, avoid his coming in through election; because, we know how elections are governed in the municipalities and local boards, and we have only to picture to ourselves how they will be controlled in small villages. If he is such a powerful man in a village of whom the Honourable Rao Saheb Desai has to be afraid, then I am quite sure that he will strain his every nerve to come through election and be a member of the panchayat.

Then, sir, there is another ground which he did not tell us here in the debate but which he has put forward in the minute of dissent, and that is, that the other members will be his slaves. I was very sorry to read that word, coming from the Honourable Rao Saheb Desai, which has the underlying assumption that we are not fit for standing against one single voice of a petty officer like that of the village patel in a village.

An honourable member :—Hear, hear.

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The Honourable Rao Bahadur G. K. Sathe:—If that is going to be the case, I think it is much better not to have the Village Panchayat Bill rather than have it in the circumstances which have been mentioned by the Honourable Rao Saheb Desai.

It was stated by my honourable friend, Mr. Upasani, that the village accountant, and—he also mentioned—the village police patel were important men in a village. He is afraid that when we are putting forward the patel as *ex-officio*, the village police patel and accountant would come through election. I put it to him, what objection should there be if they command the confidence of the people. Is it because of that that my honourable friend says that the patel should not come through nomination? Then I have to give the same reply to him which, a minute before, I gave to my friend the Honourable Rao Saheb Desai.

Then, sir, in drafting this section, out of respect to the feelings of so many who were on the select committee, the majority of us thought it desirable to draft it in a manner which would raise the least opposition and at the same time which would give us an opportunity of examining side by side, the working of the village panchayat wherein patels are *ex-officio*, and work of the village panchayats wherein there is no patel. So great scope has been provided for in the bill to make an experiment on both these lines, and if it be found in the near future that this *ex-officio* patel not only is a great nuisance but hinders the growth of local self-government in a village, by all means every one of us will be glad to support the deletion of the present clause and make the panchayats wholly elected bodies.

Another argument that was put forward by some speakers against this patel being *ex-officio*, was that in cases of inam villages and in cases of talukdari villages, and in cases of khoti villages, it would be very improper that an inamdar's nominee should be there by virtue of the statute, while the master he should have to seek election. When I am dealing with this point it would be better to answer the two points together. Whether it would be desirable to have an inamdar *ex-officio*? If we take the position of an inamdar in a village he is much more powerful than the village patel. If there is objection to the village patel being there *ex-officio* on the ground of his influence which is likely to be abused by him, then I go a step further and take objection to the inamdar who is by far the influential gentleman in the village. If he is outside it, and the village patel is his nominee, I am quite sure that his influence will always be felt not only by the panchayat but by the village patel, and he will have an indirect voice in the workings of the panchayat. So on these grounds which I have stated, I think that there should be no objection, at any rate at present, to a village patel being a member of the panchayat.

It is not as if this bill is going to be a perfect one. Time may show that we are wrong in various places, and therefore, we need not fight for the deletion of the patel at this stage.

The second point is as regards adult female suffrage. This is a question on which feeling is very intense. I do not wish to dispute for a moment the proposition that there ought not to be any distinction in the eligibility of voters between two sexes. The question before us is, are we going to begin it from the bottom or to begin it from the top? The argument is, that as the village panchayat is the first rung of the ladder in local self-government, we should begin it there. The argument appears to be very fallacious, because it is in these villages that we find a majority of the voters illiterate. One honourable member gave the percentage as something like 92. When the percentage of illiteracy is so great, would it be desirable in the interests of getting good men elected, that we should extend this franchise, to start with, to all the females living in that locality. It would be a different matter if that concession were given in cases like the city of Bombay or in cases of Council elections, where we may expect to get literate women able and competent to exercise the right of vote in the best possible manner. The only request I have to make to some of my honourable friends who advocate or press for adult female suffrage is not to be so impatient but to wait and see how the demand for female suffrage develops, and a time will surely come when we shall have to extend the right of vote to them.

Another point which was pressed by the Honourable Rao Saheb Harilal Desai was to have a right of vote on property qualification. In a village the property which is owned by the villagers is only of two kinds, land or houses. Land is not generally within the precincts of the *gaothan* proper and the village panchayats are constituted for the village precincts, and therefore, we can only take account of the villagers who have houses, if we have to take the vote on property qualification. And what would be the property qualification? Only the possession of a house, and nothing more. It is our experience that in villages the majority of the inhabitants have their own houses. Are we not extending the franchise in the case of adult males in the present bill when we do not restrict it to the property qualification? If there are in a village 200 adult males and if you restrict the vote to property qualification, then you will reduce that number to a considerable degree, and to that extent we will be doing harm to a majority of people

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who live in the village but who do not own houses in the strict sense of the term, being members of an undivided Hindu joint family. To my mind the qualification which we have provided for in this bill is more comprehensive and is a distinct advance on the lines which we have adopted in our municipal and local board elections.

The Honourable Mr. Upasani looked at the whole thing as if it was only an enlarged edition of our sanitary committees, and he paid us a very poor compliment when we spent a day and a half last time, and when we are spending a day and more here on this bill to-day. Let me assure him that if he goes through the several provisions of the bill, he will find that the functions that are assigned to these bodies are not merely those that are covered by the Village Sanitation Act. They are many more and it is intended that these village panchayats should supply a training ground for people to take part in local administration. He quoted from the United Provinces Council proceedings a portion of the speech made by the Honourable Mr. Chintamani, and he then said that no taxation was introduced there, and it was not well for us to introduce the principle of taxation here. My own view in the matter is that you can never take interest in your own affairs unless you feel for it, and when people have to pay for a certain thing, then they pay more attention to their own requirements. Their sense of responsibility is increased, and they are put on their mettle when they have to pay something out of their pocket and show to their fellow-people and the residents in the village, that they are utilizing their own money for their own requirements, for instance, on sanitation, roads and other things which have been mentioned in this bill. So, I do not really approve of the principle that we should have these local self-governing institutions without imposing taxation upon those bodies. With these remarks I heartily support the second reading of the bill.

The Honourable Mr. B. S. Kamat :—Mr. President,—I rise to accord my cordial support to the second reading of this bill. While doing so I wish very briefly to deal with some of the points that have been raised by the Honourable Member in Charge and some of the speakers this morning. I frankly confess that the bill with all its imperfections is far in advance of bills introduced into any other province in India, and this Presidency must thank the Honourable Member in Charge for giving us a bill conceived in a spirit of broad statesmanship, a bill which introduces some perfectly democratic principles in the matter of local self-government. I would therefore ask the Council that the bill with all its imperfections be accepted. Yet, I feel it my duty to discuss some of the remarks which fell from the Honourable Sir Ibrahim Rahimtoola and also the Honourable Rao Bahadur Sathe just now. Regarding the question of the *ex-officio* patel, Government, in the bill as amended, have admitted the principle that in villages where there are no patels, they are prepared to have panchayats even without the administrative experience of a patel. Well, if that is so, and if the Honourable Member in Charge wants the panchayats to be thoroughly democratic, I think, it logically follows that there cannot be a halfway house. If you want to be thoroughly democratic, let there be panchayats where patels are not *ex-officio* members, for the simple reason that when you have a patel as an *ex-officio* member, you perpetuate a man who, in some cases at least, you know is obnoxious. It is admitted on all hands that in a good many villages the patel is perhaps the evil genius of the village. Now it is one thing to have him by the door of election, and it is entirely a different thing to perpetuate him as a member who is entitled to come on the panchayat as *ex-officio* member. The Honourable Rao Bahadur Sathe argued, if a patel is an objectionable man, why should the Honourable Rao Saheb Desai want him by election? What difference does it make whether he comes in by election or *ex-officio*, if he is an objectionable man? Well, the method of election makes all the difference in the world. If he has to come in by election, he has to seek the good graces of the village people, thereby he comes down from his position of mischief or authority, and has to be amenable to the wishes of the people. I, therefore, think that if Government think that in some villages, where there are no patels, panchayats can be constituted without the benefit of the administrative experience of the patel, well, surely there is no reason why in all the villages he cannot be dispensed with.

Now, speaking about the question of woman suffrage, what fell from the Honourable Sir Ibrahim Rahimtoola yesterday was that we must not begin things from the bottom. He referred to the remarks of the Honourable Mr. Pandurang Desai, made some two years ago, that in the case of woman suffrage in municipalities a beginning ought to be made in Bombay. Here again, logically speaking, may I ask, if Government thinks that adult male suffrage could be introduced at the bottom, why should female suffrage be introduced at the top? If adult male suffrage can be introduced at the bottom, *ex hypothesi*, I do not see why female suffrage should only be started at the top? I personally think that, after all, the introduction of adult male suffrage is a gamble, a speculation. If that is a gamble, surely, female suffrage must also be a gamble and we must be prepared to take our chances. Logically, I think, there

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is no ground to stand upon why we should accept female suffrage for Bombay city and object to it in villages. Of course, from the point of view of expediency I do admit that the country is not so far advanced as to have woman suffrage all over. But that is a point of view of expediency. But speaking from the point of view of logic, I do not think one can be accepted and the other objected to.

As to vesting the panchayats with judicial functions, here again, the Honourable Sir Ibrahim Rahimtoola was not very convincing. He argued and he hinted that honorary magistrates either through ignorance or from illiteracy were not entirely a desirable institution. Well, I know the honorary magistrates and their work. It is perfectly true that some of them are innocent of English and much more so of law. But, with all that, Government is continuing and perpetuating that institution, only because it is a sort of advantage. If, therefore, we even tolerate honorary magistrates innocent of law and innocent of English, may I ask, if there is, logically speaking, any really valid reason why we should not have men on the panchayats who would deal some sort of rough justice in the village? We have got in the villages even at the present moment police patels who are invested with certain judicial powers, who can fine and inflict other punishments on the village people. Are the police patels ideal magistrates? If we tolerate the police patels' exercising judicial power of fining—they may even be inflicting fines on certain of the innocent people—what reason is there for us to believe that panchas on the panchayats will not be able at the present stage of literacy to deal justice when they sit as panchas? Here, again, the thing is, we are making an experiment, an experiment which may give us some bad results. It is, after all, as I say, a gamble. It has often been told that in a village there are factions, and therefore, they ought not to be given these powers of judicial functions. May I ask whether there are not factions in municipalities, whether there are no factions in towns? So far as municipal administration is concerned, I think, factions have been existing for the last 35 or 36 years, since 1884, the beginning of local self-government. If, therefore, there are factions even in the best municipalities, do we expect that there will be no factions in villages and in the panchayats, even if we wait for ten years more? We are assuming that if we wait for ten years, see this legislation in working order for that time, and then address the Government of India and ask them to give judicial functions to the panchayats, we shall have by that time done away with factions. I for one do not think so. Whether it is ten years or twenty years hence, judging by the experience of municipalities, there will remain factions in all places. Factions there are not only in this country, but even in western countries, where the literacy of the people is far advanced. I think that the argument of factions is entirely wrong. I say this from the experience of the state of mind of the Bombay Government themselves. Is it not true that the Government of Bombay were prepared, when they framed a panchayat bill some years ago, to give judicial functions to the village panchayats of the Presidency? Has the Presidency gone back in advancement since that time? I for one do not think so. We have, in fact, advanced. And if at one time Government thought that the state of the country justified the giving of judicial functions to these panchayats, there is absolutely no reason why the Government of India will come in our way at the present moment. Has not the Government of India given sanction to other provinces like the Central Provinces, Bengal, etc., for similar functions to be given to the panchayats? Is the Bombay Presidency far behind the Central Provinces? And is the Bombay Presidency far behind Bengal in such matters? Surely not. If the Government of India see no reason why those other provinces should not get these judicial functions, I think, the Government of India would not come in our way and advance such an unsound argument. Lastly, have we pressed on the Government of India the necessity of giving these judicial functions to the panchayats? I think, if we did so, instead of opposing our request, they will take a better view. It has been said that we want to try an experiment of the *ex-officio* patel in two spheres. Similarly, on the same analogy, if we had tacked on one more chapter to the Panchayat Bill, giving power to Government to invest certain given panchayats with these functions, we would have cut short time, and could have made a dual experiment by giving in certain cases a few panchayats judicial functions, and having certain others without judicial functions; so that, even without once again going to the Government of India, we should have had in the same bill a dual experiment.

These, we must admit, are the principal shortcomings of the bill, in whatever spirit they may be considered. The Government of Bombay have taken a very bold step, and a courageous step in framing the bill on democratic lines. But in certain other matters there is a sense of timidity on the part of Government, especially in view of the fact that in the past the Bombay Government were prepared to invest the panchayats with judicial functions, although they are not prepared to do so at present.

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The Honourable the Vice-President (Sir G. Carmichael) :—Order, order. The Council will now adjourn till 2-30 p.m.

The Council then adjourned for lunch till 2-30 p.m.

After lunch.

The Council re-assembled after lunch at 2-30 p.m.

The Honourable the Vice-President (Sir G. Carmichael) :—Order, order. Further consideration of the bill for the constitution of village panchayats. The Honourable Mr. Kamat.

The Honourable Mr. B. S. Kamat :—Sir,—As I was saying before we adjourned for lunch, the Bombay Government were at one time of mind to give the panchayats judicial functions. I do not know why they have dropped the idea now. I think the Government of Bombay would be doing a great service to this Presidency if they added these functions to the duties of the panchayats in deference to popular wishes. In any case, I think, the present Council ought to take the good points in the bill and pass it.

There is only one point to which I wanted to refer, and that was the point raised by the Honourable Rao Saheb Desai. If we want to be democratic whole-heartedly, then I for one am not in favour of the khot or the inamdar coming on the panchayat at all. If he is a popular man, I think he will be elected. Let us be democratic in right earnest and in all sincerity, and do away with the inamdars on such institutions.

Lastly, I would at once rather abolish the institution of the police patel than invest the panchayats with judicial functions. The police patel who is more unsafe than the revenue patel, is more or less a danger in many ways and he ought not to be retained when the panchayats are formed. This is all that I have to say with regard to this bill, and I whole-heartedly support the second reading.

The Honourable Rao Bahadur S. D. Garud :—Sir,—I had the honour of serving on the select committee, and in spite of the consideration given to the bill in that committee, I could not persuade myself to agree to three or four points in the bill. At the first reading of the bill, I congratulated the Honourable Sir Ibrahim Rahimtoola on giving us such a progressive legislation, but at the same time I reserved my remarks about the defects that I saw in the bill. I have, therefore, sent amendments which I shall presently move.

Speaking generally on the second reading, I may be permitted to say, sir, that there are three or four glaring defects in the bill. The first is the inclusion of the patel as an *ex-officio* member on the panchayat. The bill does not make any provision for his removal. Certain points seem to have escaped the Honourable Rao Bahadur Sathe in considering this *ex-officio* membership of the patel which he has defended. In the first place this patel will be a permanent fixture on the committee. He will be a life-long member and there is no provision in the bill to authorize his removal from the committee. If the elected members of the board do not behave properly or do not discharge their duties properly, a representation can be made to the district local board, and they can be removed. But this patel, once he goes there, remains fast. Who is going to remove him? There are often several patels in a village. This senior patel will be permanently acting on the committee, and though his work is found to be not at all satisfactory, there is no power, under this bill, to remove him. The patel is not always the most desirable man in the village. There are several things against him, and generally he is the most unpopular man in the village. Therefore, his inclusion, his permanent retention, on the board would not be the most popular measure. That is why we are so strenuously pressing Government to remove him from the panchayat. If he is a good man, I am sure he will find support in the village and get elected. But then he will be responsible to the electorate and behave properly, or he may not be returned if he does not behave himself, or he may be removed by the district local board if necessary. But, when he is an *ex-officio* member he cannot be removed by them. I do not know whether even the Collector will have the power, if he has a mind, to remove him. This will cause a great deal of inconvenience. So his permanent fixture on the village panchayat will certainly be the most undesirable thing. It was pointed out in the select committee that there are several villages that have no patels, and several villages that have several patels. This led to a number of complicated reservations which have somehow brought in this *ex-officio* member. As this bill gives an almost wholly elected board to the panchayat, I do not see why the Honourable Member in Charge should not take courage in both hands and make it wholly elected. That would be a very popular measure. In the select committee opinion was almost evenly divided on the point of making the patel an *ex-officio* member. There was practically a very small margin of votes by which

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it was passed. Therefore, it is for the Council now to consider whether, in face of so many difficulties in the way of his removal by the district local board or the Collector, none of whom have the power under this bill to deal with him, he should be a permanent fixture on the board. I for one would not have him for the simple reason that an elected member who is found to be a bad man may after all be thrown out some time or other. But here we are not going to escape from him at all. He is going to be there for all his life. As soon as the patel of a village dies, his son becomes the patel, that is revenue patel, by right of succession, and the representative vatandar of the village, and he will be entitled to act on the board. There is further no provision even for a deputy being appointed. So that, when this *ex-officio* membership leads to so many complications, and when it tends to make the measure in that respect unpopular, I do not see why this *ex-officio* membership should not be abolished altogether and credit taken for making the board entirely elective.

The second question on which I differed from the select committee, sir, was about the sex bar. In the first place we shall not have many women either going to vote at the polls or expressing their willingness to act on the board. But when the Council have adopted a particular policy about the inclusion of women in the municipal franchise of Bombay, I do not know why that same policy should not be extended, with the Council's approval, to these panchayat boards also. It is said that this will tend to make more voters of the same family. But the male adult suffrage also leads to the same difficulty. A man may have five sons, all staying in the same house, and those five sons and the father may turn out at the polls at the election time and vote. Since we have allowed adult male suffrage in spite of this difficulty, I do not see why it should not be allowed in the case of adult women, if and when they wish to exercise the right of voting. I submit there should be no bar in their way merely on the ground of sex. So far as ignorance and other things are concerned, they may perhaps be inclined to follow the elders. The same might happen in the case of adult male suffrage, so that women, merely as women, should not be excluded.

The third point on which I could not persuade myself to agree with the select committee was about investing these panchayats with judicial powers. I sent up an amendment on this point which has been disallowed as not coming within the scope of the bill. As has been pointed out by my honourable friend Mr. Kamat, it was at one time practically settled to give the panchayats these powers. But somehow this has been dropped now. As a result of the criticism outside and the criticism in this Council, I hope the Honourable Member in Charge of the bill will see his way to give these powers to the panchayats in petty cases. Let the panchayats get some experience with these powers in petty cases, and if they satisfactorily discharge their duties, their powers might be increased, but if they are not satisfactory, their powers might be decreased. But there must be some authority in the bill to give them such powers, in cases where Government find that the panchayats are ably conducted.

The police patel, sir, already enjoys a very large power. Under section 14 of the Village Police Act he can pass a sentence of imprisonment for 24 hours and can impose no fine in lieu of that sentence. He is obliged to pass the sentence of imprisonment if he has to pass any sentence at all and that sentence is not appealable. There is no appeal to the prant officers and no appeal to the Collector though sometimes the High Court may be approached in revision. So that practically there is no appeal at all. The procedure is very summary. When such extensive powers as powers of imprisonment without the option of fine are given to a man like the police patel, I do not know why panchayats should not be invested with power to impose fines. They have been invested with power to impose fines in cases of offences against their own bye-laws, but this is hardly sufficient, and some small cause jurisdiction or some powers of imposing fines or simple imprisonment in petty cases might be given to them. I think a good many of the honourable members who preceded me have pointed out that these powers were necessary, and I do not feel convinced that the panchayats would be effective or popular without these powers. One wonders whether the most able men in the village would be tempted to seek admission to these bodies unless some such powers are conferred on them. These powers, I am sure, would be wisely exercised by the panchayats. We need not apprehend that they will not wisely exercise them, and it is certainly time to make at least a beginning when we are considering this bill.

Then, sir, we find the panchayats entrusted with several duties, but we do not find a corresponding provision made for financing them. Some definite item of village revenue should be assigned to the panchayats for carrying out the duties entrusted to them, and I do not think that their duties will be adequately carried out unless they have some funds at their disposal. The usual method of imposing further taxation is not in many cases admissible. The Honourable Dewan Bahadur Godbole pointed out that a rate per house will not be a very heavy tax, but I submit, sir, that a rate per house will not be sufficient to defray the expenses which they will

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have to incur. Therefore they will have to find other sources to cover their expenses. Unless, therefore, Government allow them some sources it will not be possible to carry out their duties. I have sent up an amendment on that point, and I hope, the amendments which have been sent up to support the point which I have made will be considered by Government. When I put the amendments to the Council I shall say what I have to say about them.

The Honourable Mr. C. N. Seddon:—Sir,—I had the honour to be a member of the select committee which considered this bill, and I have the honour to be an experienced district officer, and with your permission, I will say a few words about one, or perhaps two, aspects of the bill.

In the first place about the patel. We have heard a good deal about the wickedness of the patel and about the iniquity of including him on the board. But I am astonished to see how unpopular this functionary appears to be among the honourable members of this Council. But the framers of the bill were practical men, and they had practical reasons for appointing the patel *ex-officio*. Two reasons may be mentioned: The first is that unless we have the patel or one of the patels on the panchayat, we shall probably have him against it.

Now we are starting an entirely new institution, and an institution the success of which cannot be assumed, and we want to start it—as practical men—with as great a chance of success as possible. We do not want to start with powerful opposition in the village, if we can help it; and if both patels are left out of the board, probably they will oppose this new institution, and their opposition may be a serious matter for the panchayat to deal with and it may cause serious difficulties in the progress of this movement.

There is another thing which perhaps has escaped the notice of honourable members. There is a provision in the act for appointing servants for the panchayats. As things are, it will be necessary to appoint in most cases the village servants. These village servants are accustomed to obeying the orders of the patel and to carrying out his behests, and if they are asked to work for the panchayats, it is in every way desirable that they should be able to work to some extent under the patel and that they should not feel that the patel is against the panchayat. We shall depend upon these servants to a very considerable extent as regards the practical work of the panchayats, and we want to do everything we can to carry the village servants with the panchayats. This seems to me very good reason for associating the patel with the panchayats.

The Honourable Rao Bahadur Garud said the patel could not be removed when once he has become a member of the panchayat. The patel is amenable to the discipline of the revenue officers, and if it is found that he is in any way working against the panchayat he can be controlled or even dismissed. The danger of his doing serious wrong is only a slight danger, and it is nothing compared to the disadvantage that would result if he were to oppose the working of the panchayat, because he has not been put on it.

With regard to the matter of judicial functions for the panchayats, it seems to me that it is not worthwhile discussing it. The less we say about it the better, because, it is quite impossible to give judicial functions by the present bill. If an amendment is carried that judicial functions should be given to these panchayats the bill must be withdrawn; because the proposal will have to go to the Government of India for their sanction. I myself in the select committee opposed the giving of these functions for the same reason that I wanted the patel on the board. I felt that it was a dangerous thing to give these powers to panchayats. The dominant factor in a village is faction. The Honourable Mr. Kamat said that factions exist in municipalities, but I have never heard it suggested that municipalities as municipalities should be given judicial powers. Although factions may be serious in municipalities they are not absolutely deadly as they are in villages. There is a very strong feeling in villages that nothing should be done which is likely to introduce fresh enmities. That is one of the main reasons why proposals for redistribution of land are opposed so much. Villagers say if redistribution is done they will have fresh quarrels; and when considering this question of redistribution, I have been greatly struck by the fear in the minds of all villagers that further enmities would be created. I ought not to say anything more on this matter, and I hope honourable members will refrain from pressing any amendments which would seek to add to the present bill sections giving judicial functions to the panchayats.

The Honourable Sir Ibrahim Rahimtoola:—Sir,—I am quite content with the amount of support which this bill has elicited from honourable members. There has been some criticism, which is inevitable when we are considering such a progressive measure of local self-government. But on the whole, I think, I have no reason to be dissatisfied with the debate which has taken place, and I appreciate the manner in which honourable members have taken part in the discussion on the second reading.

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I hope the Honourable Rao Saheb Desai, and the Honourable Rao Bahadur Garud who supported him, are satisfied that so far as non-official members of this Council are concerned they prefer adult suffrage to a panchayat constituted on the principle of election by tax-payers and Government nomination. I think that point has been made clear in the debate. The majority of non-official members prefer not to have any nomination on these panchayats, and I cordially share their sentiments. When we are introducing a measure of this character putting these panchayats on an advanced democratic footing, the principle of nomination is out of place. I would ask the Honourable Rao Saheb Desai to remember that if his idea appealed to the Council, namely, that the panchayats should consist of four-fifth elected and one-fifth nominated members, the patel will be the first who will be nominated. In any case he will not have to seek election. I ask honourable members to consider whether that is in any way a desirable thing. I hope that the frame work of the bill so far as this point is concerned will receive almost unanimous support of honourable members, and they will agree that we should make a beginning in the panchayats of doing away with the principle of nomination.

The second point which the Honourable Rao Saheb Harilal Desai made was that he would prefer a vote to be given on the principle of property qualification and not on the principle of adult suffrage. He said that there may be a family consisting of a father and four adult sons and that under adult male suffrage they will get five votes which will in reality be one vote, as they will all vote together for the same candidate. If that is a fact then the whole case for women suffrage fails, because while there is some remote chance of grown up adult sons not seeing eye to eye with their father, there can be none so far as women are concerned. Having regard to the enlightenment which villages have reached, women will vote as ordered by their husbands or their fathers or brothers. I hope the honourable member now realizes the effect of the measures he advocates.

It was said, I believe, by the Honourable Rao Bahadur Garud and the Honourable Mr. Pandurang Desai, that panchayats are understood to mean settlement of disputes. I admit that. I have quite a clear conception of what we Indians understand by the word 'panch' But I ask them to consider one thing. There is nothing in the bill once a panchayat is constituted to prevent the villagers referring to the panchayats any disputes between them. If the panchayat is agreeable to adjudicate disputes referred to it on the voluntary basis, there is nothing to prevent them doing so. This bill does not propose to compel the villagers to submit their disputes to the village panchayat. Voluntary submission of disputes is open to them. Compulsion at the present stage is out of the question.

It must be pointed out that while voluntary reference to the panchayats for the settlement of disputes would result in the enforcement of the awards of the panchayats by themselves, compulsory reference under legislative enactments will mean that Government officers will be called upon to enforce the decrees. To ask for these powers at the initial stage, when the panchayats have had no previous experience, is, in my opinion, going too far. The Honourable Mr. Seddon has given a complete answer to the plea put forward by the Honourable Mr. Kamat that though there are factions in municipal towns there are municipal councils there. The same thing is being done in villages. The panchayats are going to be given certain powers, but for the same kind of work which the municipalities are now doing. The municipalities are discharging municipal duties in municipal towns in spite of the factions. So will the panchayats do in spite of the factions. Municipalities have no civil and criminal powers given to them, and the same are not at present being conceded to the panchayats. The analogy, therefore, of factions in municipal towns and in villages does not apply so far as the concession of judicial functions is concerned.

The Honourable Mr. Upasani said that the patel, the kulkarni and the village accountant are very influential people in villagesand that the patel being *ex-officio*, the other two will be elected by the villagers, and that therefore,there will be a majority of these officials in the constitution of a panchayat if it is to consist of five. I do not know whether that will be actually the case, but the act provides a remedy for it and that remedy is in the hands of a local body, not in the hands of the revenue officers of Government. The district local board is not bound to restrict the number of members of a panchayat to five, but immediately they find that the majority of a panchayat consist of officials or that the people of the villages are not fully represented, they can raise the number of members to ten or even twenty if they like, so that these men, the patel, the kulkarni and the village accountant, may be in a hopeless minority. That is a complete answer to any fear that these elections will not produce the right kind of men. But, after all, we have got to remember that adult male suffrage is an educational measure, which brings home to these people the power of the vote. It may be that at the commencement they may not realize the importance of this vote, but they will be educated within a reasonably short time to realize the importance of the vote and then to exercise it in the best interests of

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their villages. We are providing for the first time the right of vote to the villagers, and that ought to serve as a great educative influence in their future discharge of public duties. From that point of view alone I ask honourable members to agree to the adult suffrage as giving political education to the largest number of people who will be enfranchised under this bill.

Considerable discussion has taken place in regard to the patel being an *ex-officio* member. Honourable members cannot have forgotten that when district local boards and district municipalities were constituted, Government retained in their hands the power of nominating half the number of municipal councillors and local board members. That was only with the object of making available to these local bodies in the initial stages of their work sufficient administrative experience to enable them to go on and to reach a stage when they can stand on their own legs independently. We started with half the number of elected members and have now gone up to two-thirds. It is proposed to go up to even four-fifths under the amended legislation which the ministers will place before you. These are the stages in which gradually the official or the nominated element is taken away and local bodies are made really democratic. In order to meet the wishes of non official members to a considerable extent this bill has been amended by the select committee. As I pointed out to the Council in my opening speech and as has been so well pointed out by the Honourable Rao Bahadur Sathe to-day, the clause as now amended provides that the village panchayats may be constituted in those villages where there are no patels on the wholly elected principle. Though Government realize that it is rather in the nature of a gamble—I use the Honourable Mr. Kamat's own word—to take the risk by having a few panchayats wholly elected, they are prepared to do so to that limited extent. Now, I ask the Honourable Mr. Kamat to realize that gambling, as everything else, has got its stages and degrees. While it is wrong to do so, a man may gamble to an extent which will not hurt him. It is hardly logical to argue from that, that because he gambles to an extent he can easily afford, that therefore he should gamble recklessly to the extent of ruining himself. That is not a kind of gamble which any sane man would engage in. We are prepared, in order to meet the wishes of non-official members, to take a little risk in a few villages by having wholly elected panchayats. The experience of the patels on the whole will be of such material assistance that their presence on the panchayats is necessary and they must be retained at present as *ex-officio* members. The Honourable Rao Bahadur Garud's point that the patel will be irremovable has been effectively answered by the Honourable Mr. Seddon, and I do not think I need dilate further upon it. In regard to some form of civil and criminal jurisdiction it must be remembered that the bill as it stands does give the panchayats the power of punishment in regard to the breach of the by-laws. It remains to be seen how the panchayats exercise these powers. I may point out that the municipalities have no power themselves to award punishment for a breach of their by-laws, while the panchayats are being given that power, and it will be for the public and Government to watch the manner in which these functions are being discharged by them, before a claim can be put forward that the liberties of the villagers should be entrusted to their sweet mercy. I ask honourable members to realize that this is a measure of very far-reaching importance, not only from the view of democratic progress, but in the every day life of the villagers. I think it would be hardly right to make experiments which would adversely affect the every day life of the villagers, and Government and honourable members of this Council are, in my opinion, bound to see that nothing is done which would injure the every day life of the villagers even by those whom they may elect. It is a measure which does not merely lay down the principles of a very substantial democratic advance, but it provides certain safeguards in the interests of the villagers themselves. Once this measure has been in force for some time it will be for the villagers to demand—and in the enlarged councils they will have their direct representatives—what further progress they want, and the Legislative Council will, I am sure, respond to the demands of the villagers for additional powers after they have had some experience of the working of these institutions.

I do not propose, Mr. President, to detain the Council any further. I again repeat that I am quite satisfied with the amount of support that the bill has elicited from honourable members, and I wish to repeat what I said in my opening speech that this bill is based on a special structure and there cannot be any admixture in it. There are two different forms in which panchayats can be constituted, the one on the lines that we have embodied in this bill and the other on the lines which the Honourable Rao Saheb Desai has advocated. I do hope that honourable members will accept the bill as it is, and give it a chance of working with a view to gaining experience of the manner in which the villagers elected to the panchayats work it, and also as to what the villagers who have got to submit to the decisions of the panchayats feel about it. When that experience is available, further progress can easily be made.

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

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The Honourable Sir Ibrahim Rahimtoola:—Sir,—I now propose that the bill be read clause by clause.

Bill read clause by clause.

The Honourable the Vice-President (Sir G. Carmichael):—Clauses. Clause 1, the Honourable Mr. Parekh.

"At the end of sub-clause 2, substitute a comma for the full stop and add the following :—'but it does not apply to alienated villages or to villages held on Talukdari or Khoti tenures'."

The Honourable Mr. G. K. Parekh:—Mr. President,—As regards the amendment which stands in my name, I would ask that the consideration of this amendment be put off till after the amendments Nos. 24 and 25 have been considered, because under certain circumstances I may not have to press this amendment at all. Therefore, I should ask that the consideration of this amendment be put off till after amendments Nos. 24 and 25 have been considered.

The Honourable the Vice-President (Sir G. Carmichael):—I understand the position of the honourable member to be that if amendments Nos. 24 and 25 are approved by this Council, then he will withdraw amendment No. 2, which stands in his name, and therefore he would like to postpone consideration of his amendment till amendments Nos. 24 and 25 are taken up. I agree.

(At this stage His Excellency the President resumed the chair).

His Excellency the President:—Clause 2 (*a*).

"After the word 'area' in line two add 'with a population not exceeding one thousand which is not constituted a municipal or notified area and any local area with a population of less than one thousand which may be'."

The Honourable Mr. Upasani.

The Honourable Mr. S. B. Upasani:—May it please your Excellency.—If the amendment which I propose is accepted, the clause will read as follows :—

(*a*) The word "village" means any local area with a population not exceeding one thousand which is not constituted a municipal or notified area and any local area with a population of less than one thousand which may be duly declared to be a village for the purposes of this act.

What I mean to propose is that ordinarily villages with a population of one thousand and over should have these village panchayats, and in the case of small villages, it may be left to the discretion of the Collector and the district local board to have them constituted or not.

Now, I have already pointed out in my speech on the second reading, that the object of the village panchayats, as stated in the extracts I read to the Council, is to give training in self-government to people in the rural areas, and it is, therefore, not only desirable but necessary that these panchayats should be introduced in the rural areas as extensively as possible. At present, so far as urban areas are concerned, we have municipalities in only 157 towns. They do not cover the rural area. So far as local boards are also concerned, they too are confined to the taluka headquarters and the district headquarters and do not serve as training grounds for the villagers in rural areas. The panchayats are meant to serve these areas. The honourable mover very rightly and correctly put it that our object in starting these panchayats is to train the village people, and to make them realize the power of the vote and their responsibilities, with regard to the further rights that are proposed to be given in local self-government. Now, under the Reforms Scheme, the right to vote not only for the local councils but for the Imperial Legislative Assembly and even the Council of State is given to all those who hold the required qualification for electors whether they live in towns or villages, without any population limit, and if those of them who reside in rural areas are to be trained, I think, it is desirable that the village panchayats should be as widely established in these rural areas as may be possible. The village should therefore be taken as the proper unit for them, and at least one with a population of 1,000 and over.

In 1908, Lord Morley as Secretary of State for India, in forwarding his reform despatch, said :—

"Your Excellency will recall that the Resolution (of the Government of India issued in 1882), from which I have quoted, treats the subdivision, Taluka or Tahasil as the smallest administrative unit. It is a question whether it would not be a wise policy to go further. The village in India (generally) has been the fundamental and indestructible unit of the social system surviving the downfall of dynasty after dynasty. I desire your Excellency in Council to consider the best way of carrying out a policy that would make the village the starting point of public life in India."

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That is said of every village and we have in all not less than 26,253 villages in our Presidency, but my proposal is for the present to give the panchayats to only villages with a population of one thousand and over and these number only 2,345. It may be said that these villages will not be able to exercise the functions and perform the duties that are to be laid upon the panchayats. I think they will cut their coat according to their cloth, and with needful help from Government and the local boards, there will be no difficulty in their discharging their duties, and this will prepare them for the training which it is desired they should have for the higher responsibilities under the Reforms Scheme. With these few words, I move my amendment and trust that it will commend itself to the Council.

The Honourable Sir Ibrahim Rahimtoola:—Your Excellency,—I do not think that the amendment which the Honourable Mr. Upasani has placed before the Council will be acceptable to honourable members. What does the amendment mean ? If I understand him correctly, it means that village panchayats shall at once be constituted in every village with a population of one thousand and over, and that they may be extended to villages with a smaller population. I hope I have correctly interpreted his meaning.

Now, I would ask honourable members to consider whether it is at all right for the legislature to order at once that village panchayats shall be constituted immediately, in all villages with a population of one thousand and over. The framework of the bill is that no panchayat shall be constituted, unless the Commissioner has had reports from the Collector and the district local board, and the local conditions have been examined. Surely, that is a far better way than laying down by statute that in all villages with a population of one thousand and over panchayats shall be forthwith constituted. I hope the Council will reject the amendment.

The Honourable Mr. S. B. Upasani :— Your Excellency,—In the bill, as it stands, nothing is left to the discretion of the villages. It is not left to their self-determination whether to have or not to have a panchayat. It is left to the discretion of the Collector and the district local board.

The Honourable Sir Ibrahim Rahimtoola :—The district local board will do what the villagers want.

The Honourable Mr. S. B. Upasani :—That is not certain. Even if the villagers desire to have a panchayat there will be nothing to prevent the Collector and the district local board refusing their request or from establishing one even if the people may not want it. If in the case of the villages proposed by me, the villagers be unwilling to have a panchayat, they will have an opportunity of urging their objections and if they appeal to the Commissioner he will under clause 43 of the bill have power to cancel the panchayat. If villages with a population of one thousand and over are not considered as deserving of the benefit of the training to be given through the panchayat, I do not know what use there will be in extending the franchise to vote for the seats in the Council and the Legislative Assembly and the Council of State to qualified voters in every village, irrespective of population.

As to other difficulties apprehended by the honourable mover of the bill I do not see that they are in any way serious so as to require particular notice. Therefore, I think the amendment should be accepted.

The amendment was put to the vote and lost.

Clause 2 was then put to the vote and carried.

Clauses 3 and 4 were then severally put to the vote and carried.

His Excellency the President :—Clause 5.

"Substitute the following for the present clause:—'The Panchayat shall be wholly elected.'"

The Honourable Rao Saheb Desai.

The Honourable Rao Saheb H. D. Desai :—Your Excellency,—The whole difficulty is with reference to making the patel of the village a fixture on the panchayat. If we give him the security of his seat as an *ex-officio* member of the panchayat, he will be more mischievous than if he came through the door of election. The position is this: some villages belong to talukdars, some to inamdars and khots, and some are khalsa villages. Now, let the talukdar, the inamdar, the khot, as well as the police patel come through the door of election on the panchayat, if they wish to do so. In that case, they will be amenable to the public opinion of the village. There is no sufficient data before the Council as to the number of villages where there are patels, and as to the number where there are no patels. I had asked Government a question regarding the number of villages per district in which the offices of police and revenue patels are combined

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in one person and those in which they are held separately, and the number of villages per district in which a single family hereditarily holds the offices of police and revenue patels. The answer of Government is, that the information required cannot be obtained except at the expense of an amount of labour which, in the opinion of Government, is not justified. I think that if Government in the Revenue Department cannot supply or gather this information, we are being asked to embark upon a measure without proper information.

The position is this. In Sind there are no patels. That is what the Honourable Sheikh Ghulam Hussein told us, and the other members.....

The Honourable Sheikh Ghulam Hussein Hidayatallah :—One or two talukas may have patels, but in the rest of Sind there are none.

The Honourable Rao Saheb H. D. Desai :—Consequently, honourable members from Sind are very secure, because they know that wherever a panchayat may be constituted in Sind, there will be no difficulty to them about the police patel and his wiles or wickedness. Now, in the Deccan as well as in Gujarat, there may be small villages which would hardly come under the operation of the Village Panchayat Bill, which have not got patels. Consequently, they do not count for anything. But villages which do count for something have patels.....

The Honourable Sir G. Carmichael :—I believe that in every village in the Presidency proper, a police patel has been appointed. In some there are no revenue patels.

The Honourable Mr. D. V. Belvi :—Is that the case in Sind?

The Honourable Sir G. Carmichael :—I said the Presidency proper. With regard to Sind, what the Honourable Rao Saheb Desai said is correct, but in the Presidency proper for every village there is a police patel appointed by the District Magistrate.

The Honourable Rao Saheb H. D. Desai :—Every large village does contain the police patel, and he is also the revenue patel, and in some cases there are separate revenue patels. According to the clause in the bill, it is the revenue patel who is sought to be put in. Wherever there is a revenue patel, he is to be an *ex-officio* member. But there may be many villages in which the offices of the police and the revenue patel are combined. So far as Gujarat is concerned—and honourable members who have served in Gujarat will bear me out—there are patidari, inamdari and bhagdari villages. The patel always belongs to the class of patidars who form a strong community. People who live in the villages are called the vashti. There he is the boss. The position in the Deccan is not the same as in Gujarat. Consequently those who are not acquainted with the conditions of the power of the patel in the Gujarat villages may think lightly of my objection. But those who know the conditions would certainly realize that in a Gujarat patidari village, if a patel is secure of his seat on the village panchayat, it would be a serious block to the success of the village panchayat, and the only way to put him on his good behaviour is to make the panchayat wholly elective. If he knows that he has to find a seat on the panchayat only through the door of election, he will be amenable to the opinion of his neighbours. Therefore, I have moved this amendment to clause 5 to the effect that the panchayats shall be wholly elective.

The Honourable Mr. Seddon has said that if you do not take the patel in and keep him out, he would be troublesome. But if the panchayats are made wholly elective, he will have to find his way to the panchayat through the door of election, and instead of being troublesome he will be more amenable and helpful to the cause of village panchayats. But if you make him secure without the power of removing him, and if he is refractory, you are creating a very difficult situation; and until a fresh amendment is undertaken the refractory patel would not be removed. Therefore, it would be much better to make the village panchayat wholly elective and to let the inamdar, the talukdar or the khot find his way to the panchayat through the door of election.

The Honourable Mr. G. K. Parekh :—Your Excellency,—I much regret that I have to oppose my friend the Honourable Rao Saheb Desai's amendment. If the Council wishes that the panchayat elections should not be a mere farce but real elections, and that the electors should give their votes for the persons whom they consider to be the best to protect the village interests, I think the patel should not be allowed to stand for election. My friend the Honourable Rao Saheb Desai has already told you of the large amount of influence that the patel in Gujarat enjoys, and I believe he enjoys the same influence everywhere else. Now, which of the ordinary villagers would think of displeasing the patel by voting against him? I am, therefore, of opinion that if you require the patel to go in for election, you will make the elections a mere farce. In

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order to keep elections quite free, it is necessary that the patel should not be required to seek election. Again the patel who has so much influence and who has the command of the village servants should not be excluded from the village panchayat. Under these circumstances, there is no other alternative but to make the patel an *ex-officio* member of the panchayat. I, therefore, oppose this amendment.

His Excellency the President :—The Honourable Rao Bahadur Garud has a similar amendment.

Omit paragraphs 1 and 2 and the words "save as aforesaid" at the beginning of paragraph 3.

If the honourable member wishes to speak on it, perhaps he will do so now.

The Honourable Rao Bahadur S. D. Garud :—Your Excellency,—Since my amendment is of the same character as that moved by the Honourable Rao Saheb Desai, I beg to be permitted to speak on it now. This amendment, I consider, is a very important one, and I was sorry to see my friend the Honourable Mr. Gokuldas Parekh opposing my friend the Honourable Rao Saheb Desai's amendment. However, I think that if he gives this question sufficient consideration, it will be possible to persuade him that the view he holds is not a correct one.

Now, in the first place, the Honourable Member in Charge of the bill relied upon the arguments advanced by the Honourable Mr. Seddon in support of the clause which retains the patel as an *ex-officio* member on the panchayat. The Honourable Mr. Seddon advanced the arguments that the village servants were accustomed to obey the patel and it was necessary to have him on the board to utilize their services and that a panchayat would not be able to carry on its work if he were kept out. The select committee refused to put in the police patel as an *ex-officio* member, and they have now put in the revenue patel who is not a very important man. The police patel is the most influential man in the village, and is also the most troublesome. And since he is recognized to be the most troublesome man, the select committee put in the revenue patel. The revenue patel is not the most important man, and the village servants are not accustomed to obey him to the same extent to which they obey the police patel. Therefore, the arguments of the Honourable Mr. Seddon do not apply to the present case.

Now, in regard to the inconvenience of having the patel as an *ex-officio* member on the panchayat, I made that clear in my remarks on the second reading. I shall, however, recapitulate some of them, and I shall put it to the Council whether it is right that a man who is so much of an inconvenience should be there. The first difficulty is that he will be a member for life and that no one else can be nominated for him. If he is found unfit, how can he be removed? It has been pointed out that the revenue officers can *control* him. But can they *remove* him? No revenue officer has any power to dismiss any patel from his post.

An honourable member:—He may be transferred.

The Honourable Rao Bahadur S. D. Garud :—He cannot be transferred and he cannot be removed. He can only be dealt with under the Vatan Act, and that too by Government only, for certain offences enumerated in the Vatan Act. If the panchayat finds that he is remiss, not doing his duties properly, and instead of helping the panchayat he is simply obstructing it, and even if the panchayat brings this matter to the notice of the revenue officers, he cannot be removed. When there is such a difficulty, I do not know why he should be put in at all. Suppose the patel sends in his resignation. There is no authority empowered by this bill to accept it. He still remains an *ex-officio* member even though he tenders his resignation. Can anybody else be nominated in his place? No. So that we have this one man sitting on the board all his life. It is a hereditary office. Anyone who is the eldest son of a patel can claim the appointment of a revenue patel. The police patel is a nominee of Government. He is chosen from among the people—usually from amongst the patels, but sometimes from the outside public also—as being the most competent man in the village. It is not so in the case of the revenue patel. Even if he is an idiot, he will still be an *ex-officio* member. There is no provision, sir, in the act which prevents him from being an *ex-officio* member of the panchayat if he is a criminal or an idiot or anything else. Merely by the demise of his father, the son becomes the revenue patel. Government cannot refuse to make him the revenue patel of the village, though they can refuse to make him the police patel. So this idiot.....

The Honourable Mr. P. A. Desai :—An officiating revenue patel cannot be an idiot.

The Honourable Rao Bahadur S. D. Garud :—He cannot be a lunatic; he may be an idiot. What I mean to say is that however useless the revenue patel may be, he comes on the panchayat board as an *ex-officio* member.

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His Excellency the President :—Order, order. There are a very large number of amendments still, and I would ask honourable members not to repeat the same arguments over and over again. The Honourable Rao Bahadur Garud has repeated his arguments three or four times now.

The Honourable Rao Bahadur S. D. Garud :—I repeated my arguments, sir, just to convince my honourable friend Rao Saheb Desai (laughter).

So there are so many difficulties. I think under these circumstances it is a very important amendment, and I hope, the Council will agree to drop the patel as an *ex-officio* member and make the panchayat purely elected.

The Honourable Sir Ibrahim Rahimtoola :—Sir,—I do not propose to detain the Council by repeating what was fully explained on the occasion of the second reading. The Honourable Mr. Gokuldas Parekh has a very extensive knowledge of districts, and the Honourable Mr. Seddon has also an extensive experience of village work. Both these honourable members, one official and the other non-official, have stated that this is a desirable provision. The general principles underlying the bill have already been explained both in my opening speech and in my reply on the second reading. The Honourable Mr. Seddon has stated that the patel can be dismissed. One of the advantages of having a hereditary revenue patel was that revenue officers of Government would not have any power over him except in extreme cases, and that, therefore, there will be no official interference with the panchayat. It must be remembered that the *ex-officio* patel will be the officiating patel, and if in an extreme case he can be dismissed, another man appointed in his place will automatically become the *ex-officio* member.

This amendment has already been dealt with fully before, and I do not, therefore, wish to detain the Council any further. I hope the amendment will be rejected.

The amendments were then severally put to the vote and lost.

Clause 5 was then put to the vote and carried.

His Excellency the President :—Clause 6, item No. (7), the Honourable Rao Saheb Harilal Desai.

"Omit sub-clause (a) and re-letter the other sub-clauses."

The Honourable Rao Saheb H. D. Desai :—Your Excellency,—With reference to this clause my amendment is that sub-clause (*a*) comprising the words "is a female, or" be omitted.

The previous history of this amendment is that in the select committee we had voted on this and it was decided to omit it. Thereafter the Honourable Member in Charge said the consideration of this should be kept over for a future sitting. Thereafter one of the members of the select committee having absented himself, the voting was the other way, and the clause which in the beginning was agreed upon for being omitted was maintained.

I submit, sir, that there should be no sex bar for a person being a member of a panchayat. You may not give a female a vote but we have got several places in Gujarat where adult females hold a *mata* and have a voice in the election of the patel; consequently I think that there should be no difficulty in allowing this amendment, so that a woman can be a member of a panchayat though she may not have a vote. There are villages where a woman holds a *mata* and elects a patel and therefore, I submit, why should she not have a seat on the panchayat. I do not know why should the sex qualification of the members be taken into account.

Under these circumstances I move this amendment.

The Honourable Mr. P. A. Desai :—Your Excellency,—I strongly support the amendment. Two years back I had brought a resolution for the removal of a disqualification which is imposed by the Bombay Municipal Act, and my Bombay friends came down upon me in a fury and said that I should try to have the application of that to my own place first and then come to the top. Now here is an enactment, here is a bill which gives an opportunity to me to begin at the bottom. I say we are living now in the twentieth century. We know what women have done in the last war. We know that the education of females is now spreading. Under these circumstances, I cannot understand, why should we retain a disqualification upon the sex. Remove it. It does not mean that you are to appoint every female in the village as a panch. It simply removes the disqualification. Why should there be a disqualification bar? The power of election is in the hands of adult males of the village. If they think that there is a

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competent woman who can discharge the duties, why should there be this bar ? Why should not an opportunity be given to males to try a competent female on the panchayat ? Why should a competent female be barred because she is a female ? I submit, the election lies in the hands of adult males. It is, therefore, just that if they feel that a competent female is available they should have a right to elect her. Why should we restrain their choice ? To impose such a disqualification in the twentieth century would, I submit, be a slur upon us. I, therefore, submit that we must try to remove this sex disqualification. I appeal to everyone of the honourable members, I appeal to the conscience of all honourable members, to try to remove this disqualification. Although my resolution was passed two years ago, the municipal corporation has not as yet given effect to that resolution. When I moved my resolution on this question of the removal of sex disqualification, I had appealed to His Excellency Lord Willingdon to leave members of Government to vote according to their conscience, and His Excellency was good enough to announce that members of Government are allowed to vote according to their conscience. I submit, your Excellency will do the same thing with regard to this amendment. This is a time when we must give an opportunity to females to learn and train themselves in the first lessons of politics. I, therefore, submit that when there is an opportunity for training our women in the groundwork of politics, why should we not allow them to take advantage of the same. There would not be very serious politics in a village. Then why lose this opportunity ? Panchayats would be the first training ground for females in politics. Suppose there would arise some cases where advice of a female would be most effective. If there is a school in a village and if power is given to the panchayat of the village to control and inspect that school—in a case where there is a school there may be some girls—and if there is a female on the panchayat of that village, she might take more active interest in the welfare of the girls of that school than males do. Why should we in such a case come in the way of the appointment of a female on the panchayat if the villagers like that a female should serve on the panchayat ? Under these circumstances I think that this clause which is pernicious ought to be removed. With these remarks I resume my seat.

His Excellency the President :—I will take items Nos. (7), (8) and (9) (1) together as they are all similar.

(8) "Omit sub-clause (a)."

(9) (1) Drop the 5th Line "(a) is a female, or" and substitute for the letters (b), (c) and (d) at the commencement of subsequent sub-clauses, (a), (b) and (c) respectively.

The Honourable Rao Bahadur Garud, item No. (8).

The Honourable Rao Bahadur S. D. Garud:—Your Excellency,—My amendment is of the same nature as that moved by my honourable friend, Rao Saheb Desai. I also have strongly urged that this disqualification should be removed and that women should have an opportunity of at least sometimes seeing that some of their own sex act as panch in some villages. I know of certain villages where the wife of the inamdar is a capable woman. Such a woman may be taken on the panch. It is quite possible that in that village she would be preferred and would be allowed to become a panch. In that case it would be an example to other women in that locality and her example may perhaps make them take the necessary pains to fit themselves for such offices. I submit that if at this stage we remove the bar we may find some women fit and ready in some villages to serve on the panchayat. I can think of several cases where competent women would be willing to take up this office and carry out its duties efficiently. In such cases I do not know why the legislature should put any bar which would prevent them altogether from taking any interest in their village panchayat. I submit, sir, that I commend this amendment to the acceptance of this Council.

His Excellency the President :—Item No. (9) (1). The Honourable Mr. Parekh.

The Honourable Mr. G. K. Parekh :—Your Excellency,—Item No. (9) (1) which stands in my name, is similar to the amendments moved by my honourable friends who preceded me. What I say in reference to this amendment is this. So far as the power of voting is concerned, I should think it would be exceedingly hard if women who have talents or education are not given the power of voting. The most ignorant man even is to be given the franchise, and, I think, it would be very hard if women, who manage estates, who represent minors and who are holders of property in their own interest, are deprived of the right of voting. Under these circumstances, I think, it would be very hard if only male population should have the right of voting and if females, who are sometimes the holders of large property, have not the privilege of voting.

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The Honourable Sheikh Ghulam Hussein Hidayatallah :—Your Excellency,—The Honourable Mr. Pandurang Desai drew the attention of the Council to the resolution regarding the removal of sex disqualification in connection with the election to the municipal corporation of the city of Bombay which he had moved in this Council some time ago. But my honourable friend should bear in mind that the conditions of the city of Bombay are quite different from the villages in which the panchayats according to this bill would be introduced. There are various faculties in the city of Bombay from which women can be returned to the municipal corporation, but taking the case of Bombay as it is, I do not think any female candidate has a chance of being returned to the corporation.

As regards villages, I do not think there are sufficiently educated women there who could be returned by the males to the panchayats even if we remove this sex bar. In some mofussil places we find that women even do not go for ordinary voting purposes in connection with the municipal elections.

Another point urged by my honourable friend is that supposing that there is a girls-school in a village the services of a female on the panchayat would be useful. But we have got a provision in the Municipal Act that a female can be co-opted on a municipal committee, and if we do not find women being co-opted on a municipal schools committee in towns, there are very little chances of getting females in a village to come on the panchayats. So, I think, even if the sex bar is removed, no female would be returned on the panchayats.

The Honourable Sir Ibrahim Rahimtoola :—Mr. President,—This point has been fully debated on the occasion of the second reading. I do not see that any new argument has been brought forward in support of the amendment. I have already pointed out that the power of removing sex disqualification has been conceded by the Joint Committee of the Houses of Parliament to the new councils, and that immediately the reformed councils meet and pass a resolution in favour of removing sex disqualification for membership, such disqualification embodied in all legislative enactments such as municipal acts, District Local Board Act, the Panchayats' Act, etc., will be automatically removed. On the contrary, if the reformed councils come to the conclusion that sex disqualification should remain, then the present provisions will continue to operate. I hope it will be recognized that there must be uniformity in this respect in all local self-government legislation. As sex disqualification exists in all other local self-government legislation it will have to remain in this bill till the new councils decide the point. I would further ask whether it is right that this Council should at this stage within a few months of the introduction of reforms raise this question on the present occasion. After all, by putting this sex disqualification in this bill, we are enacting a local self-government measure strictly on the same lines as other local self-government legislation in force, and that is to my mind a very strong reason why no departure should be made in this case. The Honourable Mr. Pandurang Desai urged that he was criticised when he brought forward his resolution on the question of removing sex disqualification in the Bombay municipal corporation, and he wants now to justify his attitude as against that criticism on the ground that he is supporting the removal of sex disqualification in this bill. May I be allowed to point out to him that the criticism was that he did not begin at home, that he did not begin with his own Bijapur municipality, of which he was the president. He could have acted under the District Municipal Act which empowers district municipalities to co-opt ladies as members of the schools committee. That was the criticism. Whether it was justified or not, it is not my intention to discuss, but it can be said that the Honourable Mr. Pandurang Desai advocates the removal of sex disqualification at the top in the case of the Bombay municipality, wants to remove it at the bottom in the case of panchayats, but says nothing of the district municipalities, with which he is directly concerned. However, that is beside the question. If, as the Honourable Mr. Desai says, a rare specimen of a woman having studied up to the seventh standard is to be found in the villages, there must be many more such in district towns and cities. There the power already exists to co-opt ladies. It would have largely strengthened the hands of the Honourable Mr. Desai if he had acted on it by co-opting ladies on the committee of his own municipality and then asked every one else to follow his example. Personally I should have liked to accept a proposal to remove sex disqualification altogether, but that is not the issue which honourable members have to consider on this occasion. Immediately the reformed councils are formed, they will deal with the question of sex disqualification, and their view will prevail.

In conclusion I should like to draw attention to the Honourable Rao Saheb Desai's minute of dissent. In paragraph 2, in which he advocates the passing of the amendment which is now under consideration, he says :

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" At several places there are females who hold the *mata*. They have a voice in the election of the patel ; and they often act as patels through their deputies. "

Now I want honourable members to note that the honourable mover of this amendment points to some instances in which ladies have a voice in the election of the patel and others in which ladies act as patels through their deputies. I wonder whether he advocates that ladies should be elected to the panchayats and that they should be allowed to act through their deputies. Is that his idea ? Let us be practical ; let us face the problem as we find it and restrain our impatience for about three or four months, till the new councils declare their decision on this point. If their decision is against the removal of the sex disqualification, the provision will remain. If they are in favour of its removal, this clause will automatically disappear by a new act which will have to be passed removing sex disqualification from all local self-government legislation. By this means sex disqualification will be removed not at the top, not at the bottom but throughout. That is a perfectly clear and logical position to take up. I hope honourable members will reject the amendment.

The Honourable Rao Saheb H. D. Desai :—Your Excellency,—I am not open to the charge which the Honourable Member in Charge made against my honourable friend Mr. Pandurang Desai, because in Ahmedabad we have co-opted two lady graduates on the schools committee, and at least in our part of the Presidency there is no lack to take advantage of the opportunities offered by the Municipal Act as it exists at present. If the Municipal Act and the District Local Board Act had come on the anvil during this year, as it was originally expected, there would have been an opportunity of introducing amendments of this character there. After the Honourable Mr. Pandurang Desai's resolution about removing the sex bar, this is the first opportunity where we are enacting a new measure in the matter of local self-government, and there is no reason why this Council should not pronounce upon the removal of sex bar from our local bodies and why it should wait for a new body to come into existence. We are called upon to enact this act, not the Ministers, and consequently it is open to us to remove the sex bar if there are sufficient grounds urged for not maintaining it. I do not think we are losing anything by removing the sex bar. It may be that some of our Mahomedan friends may not be in a position, owing to any special circumstances, to take advantage of the removal of this bar, or to benefit to the same extent as some other communities. But that is no reason why you should maintain it. If the bar is removed, they will be able to make as much use of it as possible ; otherwise it does not take away anything from you. Therefore, in a new measure which is to form the adminstrative unit of our local self-government administration, I think, it is very right that we should remove the sex bar and it is on that account that I moved this amendment, and I hope that the Council will be prepared to give the females the power to vote as voters and in any case that they will remove the bar to membership of the panchayats.

The Honourable Rao Bahadur S. D. Garud :—Your Excellency,—Have I got the right of reply ?

His Excellency the President :—Only the mover of an amendment has got the right of reply. The Honourable Rao Saheb Desai has had an opportunity of a reply.

Amendments Nos. 7, 8 and 9 (1) were then put to the vote and lost.

His Excellency the President :—Amendment No. 9 (2). The Honourable Mr. Parekh.

" Drop sub-clause (e) and substitute for the letters (f), (g) and (h) at the commencement of subsequent sub-clauses, letters (d), (e) and (f) respectively.

The Honourable Mr. G. K. Parekh :—Your Excellency,—I move the amendment which stands in my name and I commend it to the acceptance of the Council.

The Honourable Sir Ibrahim Rahimtoola :—Your Excellency,—This amendment deals with clause (*e*) of section 6 which reads as follows :—

" has been permanently debarred from practising as a legal practitioner by order of any competent authority. "

The history of the case is that in all legislation of this character a legal practitioner who has been permanently debarred from practising is permanently disqualified. Honourable members are a ware that no legal practitioner can be debarred without a judicial enquiry at which he gets ample opportunity of putting forward his defence. No one can be disbarred by executive action. As a matter of fact, in similar legislation permanent disqualification is provided against people disbarred. On the select committee I had the advantage of some legal practitioners and

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they pressed that this clause should be modified. In response to their request we all agreed to modify this disqualification, and you will observe that a new paragraph has been added to the section reading as follows:—

"A disqualification under clause (*d*) shall cease on the expiration of five years from the order of whipping or the termination of the period of imprisonment, transportation or security, as the case may be, and a disqualification under clause (*e*) shall cease on the expiration of five years from the date of the order."

In spite of the permanent disqualification which is now imposed in other similar legislations, in response to the wishes of honourable members of the select committee who belonged to the legal profession, this has been reduced and brought down to five years. It must be a very serious offence when a judicial court disqualifies a legal practitioner for life. Even then the disqualification under this act has been reduced from life to five years only. I thought we had met the honourable members as far as we could be reasonably expected to do. I hope the amendment will be rejected.

The Honourable Mr. G. K. Parekh :—Your Excellency,—I have nothing to say in reply.

The amendment was put to the vote and lost.

Clause 6 was put to the vote and carried.

His Excellency the President :—I will take amendments Nos. 10 and 11 together, as they are almost identical.

Clause 7. Item No. (10). "From line 6, delete the word 'male'."

Item No. (11). "Omit the word 'male' in line 6".

The Honourable Mr. Parekh.

The Honourable Mr. G. K. Parekh :—Your Excellency,—My remarks on this amendment will be a repetition of what I had to say on my previous amendment. I do not, therefore, wish to press the amendment.

His Excellency the President :—The motion before the Council is that in line 6 of clause 7 of the bill the word 'male' be omitted.

The Honourable Rao Bahadur S. D. Garud :—Your Excellency,—

His Excellency the President :—I gave the honourable member an opportunity of getting up and making a speech. He has not taken advantage of it.

The Honourable Rao Bahadur S. D. Garud :—I do not want to make a speech. I only wish to point out that the Honourable Mr. Parekh has withdrawn his amendment.

His Excellency the President :—He has not asked my permission to do so.

The Honourable Rao Bahadur S. D. Garud :—Shall I ask, sir, the Honourable Mr. Parekh whether he has withdrawn his amendment or not?

His Excellency the President :—If the honourable member wishes to ascertain points of order, he must refer to me, and wait for a reply.

The Honourable Rao Bahadur S. D. Garud :—Your Excellency,—There is only one thing I have to say on this amendment. The Honourable Mr. Curtis told us yesterday that the age of chivalry had gone. I hope the Council will show that it has not yet gone.

The Honourable Sir Ibrahim Rahimtoola :—Your Excellency,—This amendment need lead to no discussion. The principle was decided on clause 6. Since the Council has decided that sex disqualification is to remain in clause 6, adult suffrage cannot be accepted. I hope the Council will therefore reject the amendment.

Amendments Nos. 10 and 11 were put to the vote and lost.

His Excellency the President :—Clause 7, item No (12).

"Insert the following words after the word 'residents' in the clause :—

'and by every adult female resident who either holds immovable property in her own right or has passed the vernacular fourth standard'."

The Honourable Rao Saheb Desai.

The Honourable Rao Saheb H. D. Desai :—Your Excellency,—My object in moving this amendment is this. At present women holding certain property enjoy votes in the local board area; but according to the present bill they would lose their votes. Consequently, it was suggested that the clause be amended by putting in a property qualification such as is proposed, and also a literacy qualification. I think that it is not inconsistent with the foregoing amendment.

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The Honourable Sheikh Ghulam Hussein Hidayatallah :—Your Excellency,—The principle of the Panchayat Bill is to give adult male suffrage. My honourable friends, in addition to that principle, want to introduce other principles, namely, property and literacy qualification. That amounts to saying that the Panchayat Bill should be governed by three principles. I would like to ask whether it will not be invidious to lay down that all the male adults should have a vote, whether they possess any movable property or not, but that the females only when they possess any property. Further, why should we lay down that males, whether they are literate or not, should have the vote, but that females may vote only when they have passed a certain educational test ? The principle that has been accepted is that of property or other tax in the case of local boards, but adult male suffrage has been accepted in the case of panchayats. With these remarks, I oppose the amendment.

The Honourable Sir Ibrahim Rahimtoola:—Your Excellency,—This point has been amply debated at the time of the first and second readings. The principle that there should be no differentiation is perfectly sound and logical, but as I have already pointed out the proposal makes a mixture in the framework of the bill, and cannot be accepted. The bill provides for adult male suffrage, and males alone will be qualified to be elected. We could not possibly have this mixture. I hope the Council will reject the amendment.

The amendment was put to the vote and lost.

Clauses 7 to 11 were then severally put to the vote and carried.

His Excellency the President :—Clause 12 (1), item No. (13). The Honourable Mr. Kamat.

"After the words 'one of themselves' insert the words 'excepting the ex-officio member'."

The Honourable Mr. B. S. Kamat :—Your Excellency,—The object of this amendment is to preclude the *ex-officio* member, that is, the patel, from becoming the sar-panch of the panchayat. We have been told that the framework of the bill is based on the principle that the panchayat should be, as far as possible, wholly elected, that is to say, the administration should be in the hands of the non-official members. It is just conceivable, if the wording of clause 12, sub-clause (1), stands as it is, that the members of the panchayat may elect the patel as their sar-panch. The patel, either on account of his active or his passive influence may so contrive that the members should elect him as the sar-panch. I submit that the patel should not be the sar-panch, and I expect Government also do not contemplate that the executive power of the panchayat should fall, in any case, into the hands of the patel. Taking the analogy of municipal comm ttees, there are cases where it does happen in districts or talukas that the mamlatdar, owing to his influence though not by active canvassing, is elected the chairman of the particular committee, and petitions pour in to Government against such a procedure. That shows the trend of feeling on the point, and I want to make it impossible that the patel should be the sar-panch of a panchayat. I therefore hope that the Council will accept my amendment.

The Honourable Mr. R. P. Paranjpye :—Your Excellency,—I wish to support this very small amendment of my friend the Honourable Mr. Kamat, because if the Council accepts this amendment, it will not interfere in any way with the framework of the bill. On the other hand, just as in the case of inamdars or talukdars, I want the free, independent opinion of the village to have its full scope, so also I think it would be unwise to allow the patel, who is put in a position of official responsibility, to canvass to get elected as sar-panch. I think this Council has accepted one or two resolutions recommending that officials should not stand as candidates for the presidentships or vice-presidentships of local bodies. I think the Honourable Mr. Kamat's amendment follows the same line of policy. Cases, as he says, have occurred in which it has been almost impossible for an independent man to resist certainly the indirect, and very often the direct, influence of an official in competing for the presidentship of a local body. I therefore hope that honourable members will see their way to support this amendment.

The Honourable Dewan Bahadur K. R. Godbole :—Your Excellency,—I also support this amendment that has been brought forward by the Honourable Mr. Kamat. The patel on this side of the Presidency is not such an objectionable individual as he is made out to be in Gujarat. From what I have heard from the Honourable Mr. Parekh and the Honourable Rao Saheb Desai, it seems to me that the patel in Gujarat is a far different individual. I understand that he is mischievous, and as sar-panch, he will have all the executive and spending powers of the panchayat. I think such an objectionable individual should not be in a position

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to take upon himself all the executive functions of the panchayat, as he will do in case he is appointed as sar-panch. Though in the Deccan I do not object to it, it is necessary in Gujarat to keep the patel out of the office of sar-panch. I, therefore, think that the Council will do well to accept the amendment that has been proposed by the Honourable Mr. Kamat.

The Honourable Sir Ibrahim Rahimtoola :—Your Excellency,—My objection to the amendment which has been proposed by the Honourable Mr. Kamat is that it creates differentiation, amongst members of the panchayat. May I ask what has been the history of district local boards ? Is it not a fact that up to very recently there were official presidents in the case of all district local boards ? Is it not a fact that in almost all taluka local boards Government officers were appointed presidents ? It has got to be remembered that the president, or the chairman, or the sar-panch, by whatever name you may call him, will be, as the Honourable Dewan Bahadur Godbole has pointed out, the executive officer of the panchayat, and there appears no reason why the legislature should by statute debar the patel from being elected as sar-panch by the votes of elected panchas. If it is apprehended that in a small council, consisting of five, the patel may have his own way by the help of only two votes, the remedy is in the hands of the local body. The district local board may constitute all panchayats with not less than ten members. If they can be constituted with a larger number of members there appears no reason why the legislature should by statute debar a member of a panchayat, whether *ex-officio* or elected, from being elected as the sar-panch. It must be obvious that, in course of time, when panchayats become wholly elected, this question will not arise. I would personally much prefer the panchas electing an elected member as sar-panch. If they thought that the man they proposed to elect would discharge the obligations and duties which are imposed upon him there is nothing to prevent it. I cannot understand the attitude that the panchas are very weak; that they are unfit to discharge the obligations which are imposed upon them under the act, and that the district local boards are incompetent to lay down in special cases that the membership of the panchayat should be sufficiently large to counteract any evil influences of this character. If you say that, you are admitting the weakness of these local self-governing institutions, and therefore want to safeguard it by a statutory bar against the free choice of elected members of the panchayat.

How can that be justified ? From a democratic point of view it is a very retrograde step. I ask honourable members not to interfere with the free choice of the electors and to reject the amendment.

The Honourable Mr. B. S. Kamat :—Your Excellency,—I am not satisfied with the arguments that have been advanced by the Honourable Member in Charge of the bill. In the first place, in the report of the select committee we are told that the presence of this *ex-officio* member is necessary on the panchayat simply for giving them administrative experience. But this experience they can gain by his being there simply as an *ex-officio* member, and not necessarily as a sar-panch having all the executive power centred into his own hands. This is just what is likely to happen if my amendment is thrown out. The second argument of the Honourable Member in Charge was that the taluka local boards and district local boards even up to now have official chairmen. Perfectly so. But the trend of public opinion is against them. And now official chairmen are being supplanted by non-official chairmen on some of these boards.

The Honourable Sir Ibrahim Rahimtoola:—But after how many years ?

The Honourable Mr. B. S. Kamat :—After a pretty long time no doubt. But when we are entering upon a new era and passing a very democratic and progressive legislation, we would be undertaking a retrograde step if we were to perpetuate an official as the chairman of the panchayat. In my opinion, this is not a democratic step in the real sense but a most undemocratic one.

The amendment was then put to vote and lost, 17 members voting for and 20 against.

The Council divided as follows :—

AYES.	NOES.
The Honourable Mr. Dattatraya Venkatesh Belvi, LL.B.	His Excellency Sir George Ambrose Lloyd, G.C.I.E., D.S.O., Governor of Bombay, *President.*
The Honourable Mr. Ali Gohar Bhutto, son of Ghulam Murtaza, Bar.-at-Law.	The Honourable Sir George Carmichael, K.C.S.I., I.C.S., *Vice-President.*
The Honourable Mr. Pandurang Anant Desai, LL.B.	The Honourable Mr. G. S. Curtis, C.S.I., I.C.S.
The Honourable Rao Saheb Harilal Desaibhai Desai, LL.B.	

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AYES.

The Honourable Rao Bahadur Siddhanath Dhonddev Garud.
The Honourable Dewan Bahadur Kashinath Ramchandra Godbole.
The Honourable Sardar Gulam Jilani.
The Honourable Mr. Balkrishna Sitaram Kamat.
The Honourable Sardar Shiniwas Coopooswami Mudlier.
The Honourable Rao Bahadur Venkatesh Shriniwas Naik.
The Honourable Mr. Raghunath Purshottam Paranjpye.
The Honourable Mr. Gokuldas Kahandas Parekh, LL.B.
The Honourable Mr. Munmohundass Ramji.
The Honourable Rao Bahadur Ganesh Krishna Sathe, C.I.E.
The Honourable Mr. Phiroze C. Sethna, O.B.E.
The Honourable Mr. Purshotamdas Thakurdas, C.I.E., M.B.E.
The Honourable Mr. Harchandrai Vishindas, C.I.E., LL.B.

NOES.

The Honourable Sir Ibrahim Rahimtoola, Kt., C.I.E.
The Honourable Mr. Salebhoy Karimji Barodawalla.
The Honourable Mr. Rupchand Bilaram, LL.B.
The Honourable Mr. J. G. Covernton, C.I.E.
The Honourable Mr. R. E. Enthoven, C.I.E., I.C.S.
The Honourable Major C. Fernandes, M.D., F.C.P.S., I.M.S.
The Honourable Mr. G. W. Hatch, I.C.S.
The Honourable Sheikh Ghulam Hussein Hidayatallah, LL.B.
The Honourable Major-General W. E. Jennings, M.D., I.M.S.
The Honourable Mr. H. P. W. Macnaghten.
The Honourable Khan Bahadur Pir Baksh walad Mian Mahmud, C.I.E.
The Honourable Mr. P. J. Mead, C.I.E., I.C.S.
The Honourable Mr. L. Robertson, C.S.I., I.C.S.
The Honourable Mr. C. N. Seddon, I.C.S.
The Honourable Mr. H. O. B. Shoubridge, M.Inst. C.E.
The Honourable Mr. E. G. Turner, I.C.S.
The Honourable Mr. M. de P. Webb, C.I.E., C.B.E.

Clauses 12 to 14 were then severally put to the vote and carried.

His Excellency the President :—Clause 15. Amendment No. (14).

"Omit the following words in lines 11 and 12 :—

"unless he be an ex-officio member of the panchayat."

The Honourable Rao Saheb Harilal Desai.

The Honourable Rao Saheb H. D. Desai :—May it please your Excellency,—This amendment was based upon the amendment which I previously proposed to make the panchayats wholly elected, and as that has not been accepted, with your Excellency's permission, I beg to withdraw this amendment.

The amendment was by leave withdrawn.

Clauses 15 to 17 were then severally put to the vote and carried.

His Excellency the President :—Clause 18 (1) (*c*). Amendment No. (15). The Honourable Mr. Kamat.

"In the third line omit the words 'and bridges ;' also in line 7 omit the words 'or bridge.'

Make the consequential change by inserting 'and' after the word 'roads' in line 2."

The Honourable Mr. B. S. Kamat :—Your Excellency,—The object of this small amendment is to take away from the panchayat the responsibility of repairing bridges. Although this clause says that it shall be the duty of the panchayats within the limits of the funds at their disposal to make reasonable provision for the construction, maintenance and repair of minor roads, drains and bridges, still I consider it is much better that the responsibility of repairing bridges should not be thrown on the panchayats which after all are very small bodies financially, and which have not the technical skill and knowledge to carry them out. I, therefore, trust Government will accept this amendment. The rest are consequential changes.

The Honourable Dewan Bahadur K. R. Godbole :—May it please your Excellency,—I do not think there is much point in the amendment that has been placed before the Council by the Honourable Mr. Kamat. In the case of these village panchayats, they will never be entrusted with the construction of new bridges. But, ordinary small repairs, like cement point-

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ing, lime pointing or removing small vegetation may be required for bridges for which it will not be economical that the district local boards should send out their own engineers except say once in a year to see that the repairs have been duly executed. There will be no harm done if power is given to village panchayats to execute the small repairs mentioned. The district local boards will then be saved the necessity of sending out their professional establishment for carrying out petty repairs. I think, therefore, that the amendment need not be pressed and that clause 18 may be allowed to stand part of the bill.

The Honourable Sir Ibrahim Rahimtoola :—Your Excellency,—I have nothing to add to what the Honourable Dewan Bahadur Godbole has said. He has dealt with the point fully. I might merely draw the attention of the Honourable Mr. Kamat that all these obligatory duties are subject to the words "Within the limts of the funds at the disposal of the panchayats." Under the circumstances, I hope the honourable member will not press his amendment.

The Honourable Mr. B. S. Kamat:—Your Excellency,—I myself alluded to the limitation that all this liability is subject to the funds at the disposal of the panchayat. But regarding what fell from the Honourable Dewan Bahadur Godbole, if he thinks that big repairs will never be entrusted to the village panchayats and that all that they will be called upon to do is cement-pointing or lime-pointing, then the wording of this section should be changed. As it stands, it means that the panchayats are bound to look after even the construction of bridges. I think, therefore, either the wording ought to be changed, or some other additional safeguard introduced. However, if the Council thinks that this is a minor matter, I will not press the amendment.

His Excellency the President :—Does the honourable member withdraw his amendment?

The Honourable Mr. B. S. Kamat :—Yes, sir. I wish to withdraw the amendment.

The amendment was by leave withdrawn.

His Excellency the President :—Clause 18 (1) (*f*). Amendment No. (16). The Honourable Mr. G. K. Parekh.

"In sub-clause (1) (*f*) add before the words 'grazing lands' the word 'village.'"

The Honourable Mr. G. K. Parekh:—May it please your Excellency,—The object of this amendment is to make it clear that the properties which the panchayat has to maintain, and the use of which it has to regulate, are not private properties or private grazing lands but those belonging to the village. I therefore think it is necessary to put in the word "village" before "grazing lands" in clause 18, sub-clause (1) (*f*). I hope Government will accept my amendment.

The Honourable Sir G. Carmichael :—Sir, with regard to this small point, I would like to give an instance in the Poona district within my knowledge which will show that the amendment proposed by the Honourable Mr. Parekh might act very disadvantageously for the panchayat. In the Khed taluka, I think, a village as a whole took over a small *kuran* from the Forest Department and ran it by means of a panchayat of their own. If the word "village" is inserted in this clause 18, it would rule out any such possibility in the future. It seems to me it might work to the disadvantage of the panchayats in certain areas.

The Honourable Sir Ibrahim Rahimtoola :—Your Excellency,—I should like to draw the honourable member's attention to sub-clause (1) (*f*) of clause 18 which reads as follows :—

> "It shall be the duty of the panchayat within the limits of the funds at its disposal to make reasonable provision for carrying out the requirements of the village in respect of as many of the following matters as the district local board shall direct, viz. :—
>
> (*f*) the maintenance and the regulation of the use of public buildings vesting in the panchayat, grazing lands, tanks and wells (other than tanks and wells used exclusively for irrigation);"

Grazing lands will be governed by sub-clause (1) (*f*) of clause 18. The obligation imposed is in regard to the requirements of the "village," and that meets the honourable member's points completely. The amendment is therefore superfluous.

The amendment was then put to the vote and lost.

Clauses 18 and 19 were then severally put to the vote and carried.

His Excellency the President :—Clause 20, amendment No. (17).

In sub-clause (*d*), omit the word "administrative" occurring before the word "duties" and add the words "and functions" after the word "duties".

The Honourable Rao Saheb Desai.

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The Honourable Rao Saheb H. D. Desai :—Your Excellency,—I may be permitted to withdraw this amendment.

The amendment was by leave withdrawn.

Clause 20 was then put to the vote and carried.

His Excellency the President :—Clause 21, amendment No. 18.

In sub-clause (*1*) the following words shall be deleted :—

(*a*) **"The Governor in Council or"**
(*b*) **"Government or"**
(*c*) **"Respectively."**

The Honourable Sir Ibrahim Rahimtoola.

The Honourable Sir Ibrahim Rahimtoola :—Your Excellency,—This amendment has become necessary because the Government of India have drawn attention to the fact that all these properties vest in His Majesty and that the Local Governments have no power to alienate any property so vested. The Government of India have asked that this amendment should be introduced in order to make the bill consistent with the existing enactments dealing with properties vesting in His Majesty the King. It has, therefore, become necessary to bring forward this amendment.

The Honourable Rao Saheb H. D. Desai :—Your Excellency,—With reference to this amendment I wish to submit that we are faced with a very ridiculous position. Government tell us you have your panchayats, you find the money, we shall give you nothing, we shall vest no property in the panchayats. That is a very funny position. The Honourable Sir Ibrahim has asked us to accept this bill at any cost, but as for giving anything for running the show for which there was a promise in the select committee, he now chooses to withdraw it. This is the sort of bill that we are going to have, and if this is also the sort of co-operation that we are going to have from Government, then there is an end to any expectation for the success of the measure.

The Honourable Sir Ibrahim Rahimtoola :—Your Excellency,—I understand that the provincial legislatures have no power to enact anything of this kind. Honourable members will remember that in the select committee it was, I think, the Honourable Rao Bahadur Sathe, who asked for this provision and I readily agreed to it. I have still no objection to it. So far as the Bombay Government are concerned they are perfectly willing to help the panchayats, but they cannot go beyond statutory limits. It does not mean that Government will not be prepared to do the right thing by the panchayat. If that is the idea in the Honourable Rao Saheb Desai's mind, I would ask him to take it from me that Government will do everything in reason to help the panchayats. This amendment is necessary because the clause as drafted goes beyond the statutory powers of the local legislature.

The amendment was then put to the vote and carried.

Clause 21 was then put to the vote and carried.

Clause 22 was then put to the vote and carried.

His Excellency the President; Clause 23, amendment No. (19).

In line 10 add the words "A written" before the word "order".

The Hodourable Mr. G. K. Parekh.

The Honourable Mr. G. K. Parekh :—Your Excellency,—The object of this amendment is that in the case of any orders which are made for fines, suspensions or dismissal of servants, these official orders should always be in writing, and in order to make it clear I propose to add a word in order to show that the orders should be in writing.

The Honourable Rao Bahadur G. K. Sathe :—Your Excellency,—I support this amendment, because, we find in the second clause that an appeal has been provided against the order of dismissal, and the appellate Court or the appellate authority must have something to go upon when it is called upon to examine the reasons as to the order given by the panchayat, and it is but quite fair that a person who is fined, suspended or dismissed should know what the reasons were for the infliction of that sentence, and I, therefore, think that the amendment certainly is not only a modest one but that it is really necessary in the interests of persons against whom these orders will be made.

The Honourable Dewan Bahadur K. R. Godbole :—Your Excellency,—I also support this amendment.

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The Honourable Sir Ibrahim Rahimtoola :—Your Excellency,—I am very glad to accept the amendment as I see the force of it.

The amendment was then put to the vote and carried.

Clause 23 as amended was then put to the vote and carried.

Clause 24 was then put to the vote and carried.

His Excellency the President :—Clause 25, (*h*), amendment No. (20).

" Add the following at the commencement of the sub-clause :—

' One anna in the rupee of the land revenue of the panchayat village, and.' "

The Honourable Rao Bahadur Garud.

The Honourable Rao Bahadur S. D. Garud :—Your Excellency,—The panchayat has been entrusted with several duties and we, therefore, must provide sufficient funds for carrying out these duties. Unless they have sufficient funds at their disposal they will not be able to carry out their duties. Therefore some provision from the village revenue should be made for them to enable them to carry out those duties, and this provision is suggested by me for that purpose, I hope the amendment will be accepted.

(His Excellency the President at this stage withdrew and the Honourable the Vice-President occupied the chair.)

The Honourable Rao Bahadur G. K. Sathe :—Sir,—I oppose this amendment on the ground that if this amendment is accepted it reduces the position of the one anna cess to this that every amount which is collected in the shape of local fund cess in a village must go to that village. At present under the Local Fund Act, and under the District Local Board Act, all these sums first come to the district local board. There is another clause in this section which is clause (*f*); it runs

" sums contributed to the village fund by a district local board ; "

Instead of making it compulsory that every local fund cess collected in that village ought to go to form the fund of that village, this clause (*f*) is really enough to meet the requirements of the case which my honourable friend, Rao Bahadur Garud, has put forward. Otherwise it would mean that the local board cess which is collected in the village will be appropriated entirely by that village, and nothing would be left to the district local board to carry on other big works in which the particular village is interested directly or indirectly. Therefore I oppose this amendment.

The Honourable Mr. S. B. Upasani :—Sir,—I wish to support the amendment. I think the view which the Honourable Rao Bahadur Sathe has taken is not quite correct. The Honourable Rao Bahadur Garud does not propose that the one anna local fund cess which the people pay on the land revenue should be transferred to the panchayats. What he desires is not that the local cess which people pay on the revenue should be made over to the village panchayats, but that Government itself should pay one anna in the rupee of the land revenue it may receive from the village, and that is necessary, because, we have imposed so many duties under clauses 18 and 20 of the bill on the panchayats which are obligatory duties besides those under clause 19 which are optional. As a matter of fact the local boards with their present very limited resources are not able to provide funds for all these villages for even the obligatory duties. That being the case, it is, I think, necessary that when statutory duties are imposed, definite provision should be made for needful help by Government. When funds are required the panchayats will have to depend upon the sweet will of Government or the district local board. It is much better, therefore, that the definite provision suggested in the amendment should be embodied in the statute. The income would not be very large but only equal to that derived from the one anna local fund cess.

The Honourable Sir Ibrahim Rahimtoola :—Sir,—I do not think the Honourable Mr. Upasani has appreciated the point which was made by the Honourable Rao Bahadur Sathe. The point is this. One anna cess which is leviable at present goes to the district local board. It is intended that certain contributions will be made to the panchayat from district local board funds. If it is advocated that the whole of the revenue from the one anna cess should be made over to the panchayat, then the district local boards will find it difficult to discharge their obligatory duties in the benefits of which these villages share. Such a procedure will result in the villages benefiting without paying anything for it. I do not think this can be justified.

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[*Mr. P. A. Desai; Rao Bahadur S. D. Garud; Sir Ibrahim Rahimtoola; the Vice-President; Rao Saheb H. D. Desai.*] [5TH AUGUST 1920.]

The Honourable Mr. P. A. Desai :—Does the honourable member mean that this one anna cess means the local fund cess ?

The Honourable Rao Bahadur S. D. Garud :—One anna local cess.

The Honourable Sir Ibrahim Rahimtoola :—Then I misunderstood him. Such an amendment cannot be moved as it deals with provincial revenues. The Government of India Act lays down that it shall not be allowable to any member of the Legislative Council to introduce without the previous sanction of the Governor any measure affecting public revenues of the province or imposing any charge on those revenues. I thought the honourable member wanted the one anna cess which was now being paid to the district local board to be transferred to the village panchayat. If he wants part of Government land revenue then that is quite out of order.

The Honourable the Vice-President (Sir G. Carmichael) :—Will the Honourable Rao Bahadur Garud explain what is the basis of his amendment ?

The Honourable Rao Bahadur S. D. Garud:—The District Local Board Act has made a certain provision like this, and I wish the same kind of provision to be made in the Village Panchayat Bill.

The Honourable Sir Ibrahim Rahimtoola :—The one anna cess paid to the District Local Board is additional taxation over and above the Government land revenue. It is not part of the sixteen annas levied by Government. The Honourable Rao Bahadur Garud must know that.

The Honourable the Vice-President (Sir G. Carmichael) :—Will the honourable member explain whether this one anna is an addition to the one anna local fund cess? Is that the intention of this amendment ?

The Honourable Rao Bahadur S. D. Garud :—One anna in addition to the local fund cess. That is what I mean.

The Honourable the Vice-President (Sir G. Carmichael):—I am compelled to rule that amendment out of order. The Honourable Rao Saheb Desai:

Amendment No. 21 (*a*) :—

"**(a) Add the following as sub-clause (i):—'(i) The proceeds of such incomes as may be assigned to the village fund by any general or special order of the Governor in Council'.**"

The Honourable Rao Saheb H. D. Desai:—Mr. President,—With reference to the amendment of clause 25, it will be noticed from sub-clause (*h*) that the words are.

"Such other sums as may be assigned to the village fund by any general or special order of the Governor in Council."

Now here only the assignment contemplated is for sums assigned. But it may be that Government may assign particular incomes to a particular village by any general or special order, and in such a case Government ought to have the power to make such an assignment. If only sums are assigned, then there will be no incomes, but if certain incomes are assigned, these village panchayats can manage them better than Government officials and may derive better income, and consequently an additional sub-clause has been suggested by me as an amendment, namely:—

"The proceeds of such incomes as may be assigned to the village fund by any general or special order of the Governor in Council."

This is an enabling provision and there should be no objection, because, whenever Government choose or intend to assign any income to a village fund, it ought to be open under the act for them to do so. It does not compel Government or anybody else to make any assignment, but the clause as it stands contemplates that only particular sums could be assigned to the village fund. What I mean is to add a further clause which enables Government whenever in their discretion they choose to do so to assign the proceeds of any incomes to the village fund, so that the incomes may be assigned. And also in addition to clause (*h*), I suggest that a clause (*i*) be added so that whenever they decide to assign any incomes, it may be possible for the Government to do so. Under these circumstances Government do not part with anything, but it is simply an enabling provision where you are reciting what may be assigned. So there will be no harm in giving power to Government to assign any incomes.

The Honourable Sir Ibrahim Rahimtoola:—Mr. President,—I do not know what the special merit of the proposed amendment is. After all, what the panchayats will want will be funds to carry on their administration, and whether these come to them in the shape of cash

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or in the shape of incomes is immaterial as far as their administrative duties are concerned. Sub-clause (*h*) clearly defines what will be credited to the village fund, namely, such other sums as may be assigned to the village fund by any general or special order of the Governor in Council. The question whether in future the contributions from provincial revenues should be by way of assigned incomes or cash grants is a very big problem and can only be dealt with comprehensively under the general principles applying to all local bodies. It cannot be introduced here. All that is material for the success of the panchayats is that they should get from Government sufficient grants for the purpose of carrying out their duties, having regard to other sources which have been provided for them. That is amply provided for by this clause, and I do not think we can, at this stage, enter into the general question as to whether Government contributions to local bodies should be in the shape of assigned incomes or assigned funds. I think at present Government grants to district local boards and municipalities are in cash, and the same principle is proposed to be applied to the panchayats.

The Honourable Rao Saheb H. D. Desai :—Mr. President,—In reply I wish to say that the Honourable Member in Charge insisted in the select committee and wants to insist here that Government grants shall be cash grants. What I mean to say is that in villages where there will be panchayats there will be assessed unoccupied waste and such other lands. If Government try to realize the income thereon, they will be realizing half a rupee or a rupee, while if they are left to a panchayat they may be able to realize Rs. 50 or even Rs. 100. Do you wish to make a loss to the administration simply because you do not want to assign any incomes to the panchayats and insist on cash grants ?

The Honourable Sir Ibrahim Rahimtoola :—If that is the intention that the honourable member has, it has already been met, because under other clauses in regard to which he has given notice of amendments, Government can assign certain administrative duties to the panchayats, and if Government are satisfied that the panchayats will be able to carry out a certain duty, they will easily come to an arrangement with the panchayat without there being any provision in the act.

The Honourable Rao Saheb H. D. Desai :—That is very good ; then where is the difficulty to include this provision that the proceeds of such incomes can be assigned to the panchayats. The question is what can be assigned to panchayats ? You should not only make it possible to assign certain duties to the panchayats but also to make assignments of income, so that the proceeds of such assignments can feed the funds of the panchayats. If you wish to merely realize the Re. 1 or Rs. 2 out of the village waste lands, whereas the panchayat could realize out of it anything up to Rs. 100 or even more, you can do so, but that would be simple waste. That is the present policy. In a village Government could ordinarily realize half a rupee or a rupee for an assessed waste land, while if it is in the hands of the villagers themselves they would realize about Rs. 100. Do you want to realize less revenue simply for the sake of the fun of only making cash grants and not making any assignments of revenue ?

The amendment was then put to the vote and lost.

The Honourable the Vice-President (Sir G. Carmichael) :—Amendment No. 21(*b*). The Honourable Rao Saheb Desai.

"Add the following as sub-clause (j) :—'(j) the incomes of any property vesting in the panchayat under clause 21 '."

The Honourable Rao Saheb H. D. Desai :—This amendment, sir, is practically an omission which I am seeking to supply. It was intended that this should be added here, but by some oversight, I think, it was not added. The income of any property.....

The Honourable Sir Ibrahim Rahimtoola :—Sir,—I do not think it is very necessary, but if it satisfies the honourable member, Government have no objection to accept that amendment. It has been suggested to me that as the honourable member 's previous amendment, 21 (*a*), was lost, this clause will be (*i*) instead of (*j*). With that alteration Government are prepared to accept the amendment.

The amendment as altered was then put to the vote and carried.

The Honourable Sir Ibrahim Rahimtoola :—Mr. President,—My attention has been drawn to the fact that by accepting this amendment a consequential amendment will have to be made in sub-clause (*g*). The word " and " appears at the end of that sub-clause and it will have

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to be removed from there and added to sub-clause (*h*). I therefore propose the following amendment :—

Delete the word "and" appearing at the end of sub-clause (g), and add the word "and" at the end of sub-clause (h).

The amendment was put to the vote and carried.

The Honourable the Vice-President (Sir G. Carmichael) :—This Council will now adjourn till 11-00 a. m. to-morrow.

The Council then adjourned till 11-00 a. m. on Friday, the 6th August 1920.

By order of His Excellency the Honourable the Governor,

G. DAVIS,
Secretary to the Legislative Council
of the Governor of Bombay.

Substitute the following for paragraph 2 of the debate on Pleaders' Bill printed on page 684 of the *Bombay Government Gazette*, Part V, dated 4th September 1920:—

The other question in connection with this matter of discipline is whether action should be taken not merely in cases of professional misconduct but also in cases of misconduct outside professional matters. It seems to me that some of those who dealt with this question omitted to notice the remark in the statement of objects and reasons that the power is one which the High Court already are exercising. They have the power to take action even in cases outside professional misconduct. The Honourable Mr. Belvi referred to a particular decision which, I think, is the same as that mentioned in the statement of objects and reasons in the remarks on clause 25. I think everyone will agree that it is perfectly right that the High Court should have the power to take action in cases of that kind. I understand that this is the practice in England also, and I am sure that the practice is for the good of the pleader's profession as a whole. I was somewhat surprised to hear objection taken to this particular provision of the bill. It seemed to me that the safeguard which is devised for the maintenance of the dignity of the pleader's profession was one which would be welcomed by the members of the profession themselves.

The

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MONDAY, 13TH SEPTEMBER 1920.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Proceedings of the Council of the Governor of Bombay.

Journal of the proceedings of the Legislative Council of the Governor of Bombay, assembled under the provisions of the Government of India Act, 1915.

The Council re-assembled on Friday, the 6th August 1920, at 11 a.m., at the Council Hall, Poona.

PRESENT:

The Honourable Sir GEORGE CARMICHAEL, K.C.S.I., I.C.S., *Vice-President.*
The Honourable Mr. G. S. CURTIS, C.S.I., I.C.S.
The Honourable Sir IBRAHIM RAHIMTOOLA, Kt., C.I.E.
The Honourable Mr. SALEBHOY KARIMJI BARODAWALLA.
The Honourable Mr. DATTATRAYA VENKATESH BELVI, LL.B.
The Honourable Mr. ALI GOHAR BHUTTO, son of Ghulam Murtaza, Bar.-at-Law.
The Honourable Mr. J. G. COVERNTON, C.I.E.
The Honourable Mr. PANDURANG ANANT DESAI, LL.B.
The Honourable Rao Saheb HARILAL DESAIBHAI DESAI, LL.B.
The Honourable Mr. R. E. ENTHOVEN, C.I.E., I.C.S.
The Honourable Major C. FERNANDES, M.D., F.C.P.S., I.M.S.
The Honourable Rao Bahadur SIDDHANATH DHONDDEV GARUD.
The Honourable Dewan Bahadur KASHINATH RAMCHANDRA GODBOLE.
The Honourable Mr. G. W. HATCH, I.C.S.
The Honourable Major-General W. E. JENNINGS, M.D., I.M.S.
The Honourable Sardar GULAM JILANI.
The Honourable Mr. BALKRISHNA SITARAM KAMAT.

VILLAGE PANCHAYATS' BILL.

[*The Vice-President; Rao Saheb H. D. Desai; Dewan Bahadur K. R. Godbole.*] [6TH AUGUST 1920.]

The Honourable Mr. H. P. W. MACNAGHTEN.
The Honourable Khan Bahadur PIR BAKSH walad MIAN MAHMUD, C.I.E.
The Honourable Mr. P. J. MEAD, C.I.E., I.C.S.
The Honourable Mr. CHUNILAL VIJBHUKHANDAS MEHTA, LL.B.
The Honourable Sardar SHRINIWAS COOPOOSWAMI MUDLIAR.
The Honourable Rao Bahadur VENKATESH SHRINIWAS NAIK.
The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE.
The Honourable Mr. GOKULDAS KAHANDAS PAREKH, LL.B.
The Honourable Mr. ABDUL KADIR *alias* FAKIR MAHOMED walad IBRAHIM KHAN PATHAN.
The Honourable Mr. MUNMOHUNDASS RAMJI.
The Honourable Mr. L. ROBERTSON, C.S.I., I.C.S.
The Honourable Rao Bahadur GANESH KRISHNA SATHE, C.I.E.
The Honourable Mr. C. N. SEDDON, I.C.S.
The Honourable Mr. PHIROZE C. SETHNA, O.B.E.
The Honourable Mr. H. O. B. SHOUBRIDGE, M.Inst.C.E.
The Honourable Mr. PURSHOTAMDAS THAKURDAS, C.I.E., M.B.E.,
The Honourable Mr. E. G. TURNER, I.C.S.
The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI.
The Honourable Mr. M. DE P. WEBB, C.I.E., C.B.E.

The Honourable the Vice-President (Sir G. Carmichael):—Order, order. Further consideration of a bill to provide for the constitution of village panchayats. The Honourable Rao Saheb Harilal Desai.

Clause 26, item (22). "Add the following words at the end of the clause:—

'unless the Governor in Council directs otherwise.'"

The Honourable Rao Saheb H. D. Desai:—Mr. President,—Clause 26, as it stands, is as follows:—

"In every village a house tax shall be levied in accordance with rules made by the Governor in Council."

I propose to add the following words at the end of it:—

"unless the Governor in Council directs otherwise."

Now, here, I do not touch the main provisions of this clause, namely, that a house tax shall be levied in accordance with the rules. My only point is to enable the Governor in Council, in cases where a house tax would work heavily, or in cases where it will be difficult to obtain sufficient revenue out of it, to have any other tax, and I hope that this amendment is one which it may be possible for the Honourable Member in Charge to accept, and if he does not see his way to do it, then certainly the Council, I hope, will be prepared to accept it, because, it does not go against the principle underlying the clause. It only enables the Governor in Council to consider hard cases, and to direct as he considers necessary in particular places.

The Honourable Dewan Bahadur K. R. Godbole:—Mr. President,—I oppose this amendment. The grounds for my opposition are that house tax will be the principal income that will be available to panchayats, and that the same can be imposed without any serious objection on the part of the residents of the village. The limits of the house tax are going to be laid down by the Governor in Council, and the limit being there, the panchayat will not be at liberty to make the tax excessive or beyond the powers of the house-owners to pay. The villagers generally consider this tax as a proper one, and they are not likely to raise any serious objections against it. On the whole, I think the tax will not be unpopular.

This will be the first taxation that all the panchayats will go in for, and if this tax is found to be insufficient for the purposes of the villages, then only the panchayats will have to resort to other forms of taxation. I think, that house taxation will be a proper source of income to panchayats, and the panchayats should be left free to levy it. I therefore oppose the amendment.

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The Honourable Sir Ibrahim Rahimtoola :—Mr. President,—Government have given very careful consideration to this amendment on the grounds which have been urged by the honourable mover, but they have come to the conclusion that it would be unwise to accept it. If any such proviso is enacted, the temptation will always be to approach Government to be relieved of this tax. It is human nature that we do not want to pay taxes if we can help it. The panchayats need revenues, and this is a form of revenue which, as the Honourable Dewan Bahadur Godbole has pointed out, will be popular. It is, therefore, unwise to enact in the law any provision which would raise hopes, and keep Government constantly inundated with applications for relieving the villagers of this tax.

Another reason why the amendment cannot be accepted is that I do not think, in these matters of internal administration. Government should have any discretionary powers of this character. Government want these panchayats to be self-governing institutions, and to be in a position to refer to Government as little as possible. For these reasons, Government are not prepared to accept the amendment.

The Honourable Rao Saheb H. D. Desai :—Mr. President,—I am sorry I am unable to accept the *ipse dixit* of the Honourable Dewan Bahadur Godbole when he says that the village people accept this tax, and that it is the only source of revenue. There may be places where house tax will be very inappropriate, and a proper source of revenue may be some other tax. Should we not enable Government to meet such hard cases by an amendment of the bill? Are we going to say that it would not be wise at this stage to enable Government to have a power to deal with such hard cases?

As for the villagers accepting the house tax willingly, I cannot say anything with reference to the conditions of the Deccan, but I know that in Gujarat of course there is an amount of opposition to this tax, and there are cases where it would be a very inappropriate tax, and where there may be other sources of revenue.

In these circumstances, I would request this Council to consider whether they would not accept this amendment, which does not go to the root of the principle underlying the clause.

The amendment was put to the vote and lost.

The Honourable the Vice-President (Sir G. Carmichael) :—Clause 26, Item No. (23). The Honourable Mr. G. K. Parekh.

The Honourable Mr. G. K. Parekh :—Mr. President,—The amendment that stands in my name runs as follows :—

"(1) Between the figure '26' and the word 'In' add the figure '(1)'

(2) After clause 26, sub-clause (1), add the following :—

'(2) In alienated villages or villages held on Talukdari or Khoti tenures in which the holder of the village owns the houses, the house-tax shall be leviable from the occupiers thereof and not the owners.'"

I may say in connection with this amendment that it is not my desire either to delay the passing of the bill or to add to the interests or the dignity of the talukdars or inamdars. My only object is to make the provisions of the act more workable. It will be noted that under the clauses of the bill which this Council has accepted, the talukdar, in order to be eligible to be a member of the panchayat, must be resident in the village. If he is not a resident of the village, he is not at all eligible for being a member of the panchayat. Therefore there would be many instances where the talukdar would not be represented on the village panchayat at all; for instance, where the talukdar is not a resident or where he is a minor or is a female. In all these cases the result will be that on the panchayat the talukdar's interests will not at all be represented. Let us take the other instance of the talukdar being a resident of the village. There will be one vote for the talukdar against four votes of the occupiers. The occupants' voice will be predominant, considerably larger than that of the talukdar. Under these circumstances, I think, it would rather be hard that the occupants of houses should have the opportunity of escaping themselves from any liability towards the payment of tax by making the landlord liable for the same. It would be for the panchayat to say who is liable to pay the tax, whether the landlord or the occupant. I should therefore think that it would not at all be just that the act should give the occupants the right of saying that they themselves are not liable, and that all the burden of the panchayat should be borne by the talukdars. It would be exceedingly unjust to give this power to the panchayats. I there-

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fore submit that in the case of such villages it is proper not to give them the power of taxing the landlord.

The Honourable Mr. C. N. Seddon:—Sir,—The Honourable Mr. Parekh's amendment practically amounts to this, that where a property owner in a village is a small man, he should be liable to be taxed, but where he is a big man owning a large property he should be specially exempted.

The Honourable Dewan Bahadur K. R. Godbole:—Sir,—As far as I can see, there is no necessity for this amendment as the tax will be collected under rules made by the Governor in Council, and the rules will probably lay down whether it is to be collected from the owner or occupier of the house. But as a principle I think that the tax should be collected from the owner. In the case of the Deccan alienated villages I do not see the least objection to this being done. What is usual in the case of the Deccan alienated villages is that the inamdar owns one or two houses in his village, and it is but proper that he should pay the tax on those houses along with others. If he lets them out as shops or as tenements to other villagers, the house tax that the panchayat will levy upon the landlord will be transferred by the landlord to the occupant in the shape of enhanced rent. I, therefore, do not see why an amendment of this character is necessary. As soon as a village panchayat levies the house tax, it should be collected from all owners irrespective of whether they are inamdars or ordinary occupants. Unless, therefore, the conditions of Gujarat talukdari villages are very different from what they are in the case of the Deccan alienated villages, I do not see the least necessity for an amendment of this description. For these reasons I oppose it.

The Honourable Rao Saheb H. D. Desai:—Sir,—I beg to support the amendment proposed by the Honourable Mr. Parekh. I think, the Honourable Dewan Bahadur is under a misapprehension as to the scope and effect of the amendment, and also as to the conditions prevailing in the talukdari villages particularly. It is not the object, as I understand it, of this amendment, to exonerate the owner of a house who lets it to another person, from the liability to pay the tax, because he will be recovering the rent. But the position with reference to talukdari villages is quite different. There the owner of the sites is the talukdar both in the village and outside.....

The Honourable Dewan Bahadur K. R. Godbole:—Is he the owner of the houses also?

The Honourable Rao Saheb H. D. Desai:—He is the owner of the sites. The people living in the village, who are called the *vasti*, have no right to the site. The talukdar is the owner of the site. A man may take land from the talukdar on lease and build houses on it. But he has no right to the land itself. Though the person occupying the house has a right on the building materials of the house, namely, the superstructure, he has no right over the ground on which it is built, and when that man leaves the village or dies without heirs, the right of reversion vests in the talukdar. So far as I know he does not collect any rent for the use of the ground on which the houses are built. Under these circumstances, really speaking, it is the occupier of the house who should pay the tax for the purpose of running the expenses of the panchayat, and not the talukdar. But I do not interpret the honourable mover to mean that where a talukdar or an owner is the owner, not only of the ground on which the building is built but also of the superstructure, he should be exempted from the payment of tax. If the reversionary right is in the talukdar or the inamdar, then it is the occupier who should be responsible for paying the tax and not the owner.

The Honourable Rao Bahadur G. K. Sathe:—Mr. President,—I oppose this amendment. In considering this question we need not complicate matters by bringing in the talukdar's right of reversion or other legal technicalities. In municipal areas the occupier in the absence of the owner is liable to pay the house tax. The question whether the ground belongs to the talukdar, or whether the materials of the houses are to revert to the talukdar, are questions which do not really affect the clause as it is now worded. In addition to this, we have sub-clause (*d*) of clause 42 which says that rules may be framed under section 26 regulating the levy of a house tax. So in talukdari villages if a case is made out that talukdars ought not to be made to pay in the first instance, Government can by rules prescribe that under such peculiar circumstances the tax would be recovered from the occupiers. On these grounds this amendment is not called for. I therefore oppose it.

The Honourable Sir Ibrahim Rahimtoola:—Sir,—I think the reply which the Honourable Dewan Bahadur Godbole and the Honourable Rao Bahadur Sathe gave, will satisfy

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the honourable mover that there is no case for the amendment. There appears to be some misconception underlying the arguments advanced by the supporter of the amendment. We have, in Bombay city, fazandars, that is to say, owners of the land, while the buildings thereon are owned by people who built upon it. Take the case of the Improvement Trust. Large areas of land are leased to lessees. They do not own the land which they lease from the Improvement Trust for a period of 99 years or 999 years; but they are the owners of the buildings. Though the land does not belong to them, it is they who pay the whole of the municipal taxation. In the case of the fazandars also municipal taxes are paid by the lessees. Take the case which the Honourable Rao Saheb Desai referred to. A man takes land on lease from the inamdar or the talukdar or the khot and puts up a structure upon it. He is called an occupier by the supporter of the amendment. That is not really so. If he possesses the right of letting it to others he is the owner and not the occupier. The owner of a building is perfectly entitled to live in it or to let it, and charge rent. In such cases he is the proper party to pay the house tax. All these matters of detail will be examined when rules are being drafted. The clause to which this amendment is proposed runs as follows :—

"In every village a house tax shall be levied in accordance with rules made by the Governor in Council."

It will be observed that an amendment of this character is hardly consistent with the clause as it stands. The wording of the clause is quite clear. It lays down that rules will be framed under which house tax will be levied. If there are any special cases, they will be taken into consideration when the rules are being formulated. It must, however, be remembered that all these properties will secure the benefits of the services which the panchayats will render, and they must contribute towards the funds for those services. If, as has been pointed out, the talukdars are the owners of land on which houses have been built by others, they can transfer the liability to the owners of the buildings as is common in municipal areas. I do not think any case has been made out for this amendment.

The Honourable Mr. G. K. Parekh:—Sir,—I am afraid I have not been able to explain the position that I have taken. The condition in talukdari villages is this. In a large number of villages, in order that those may become habitable the talukdar himself tries to build sheds or houses in which the tenants live. He is the owner of the property, and for the convenience of cultivation and in order that the lands may become profitable, he allows his tenants to remain upon the property without payment of any rent in some cases. So, it is more the case of convenience than profit to the landlord from his land.

The Honourable Sir Ibrahim Rahimtoola:—May I point out, sir, that if a talukdar builds sheds or houses in the talukdari lands, in order that the ryots may occupy them and thus help in improving cultivation, then the honourable member admits that the talukdar gets the benefit indirectly though not actual rent of these sheds and houses. He gets substantial benefits through the lands that are cultivated by the ryots who occupy those sheds and houses, and therefore, the municipal services must be paid for.

The Honourable Mr. G. K. Parekh:—But it is both in reference to the lands as well as houses. What I submit is that he does not receive the rent, and in most cases even a share of the profits is not received by him, and therefore, so far as the houses are concerned they are enjoyed free. As regards the lands the tenant has to pay a fixed tax, and the whole question would be, on whom the house tax to be levied under this clause will fall. If the tenant benefits by his occupation of the land and his occupation of the house, I submit that the tenant has to pay the customary rent. The tax which the tenant has to pay is not liable to change and it remains fixed. Under these circumstances, I do think that it would be a hardship that the occupants should have a right or a predominant voice in fixing the question as to which party should be liable to pay the tax.

The amendment was then put to the vote and lost.

Clause 26 was then put to the vote and carried.

The Honourable the Vice-President (Sir G. Carmichael):—Clause 27, item No. (24). The Honourable Mr. Gokuldas Parekh.

"(1) after the word 'village' in the 8th line add the following :—

'but in alienated villages or villages held on talukdari or khoti tenures in which the holder of the village himself owns houses and lands of the village as landlord, the tax on houses or lands shall be leviable from the occupiers of the same'.

(2) The second sub-clause be deleted."

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The Hononrable Mr. G. K. Parekh :—Sir,—I do not want to press this amendment.

The amendment was by leave withdrawn.

Clause 27 was then put to the vote and carried.

The Honourable the Vice-President (Sir G. Carmichael):—Let us now revert to clause (1), item No. (2). The Honourable Mr. Gokuldas Parekh.

"At the end of sub-clause 2, substitute a comma for the full stop and add the following :—

'But it does not apply to alienated villages or to villages held on talukdari or khoti tenures.'"

The Honourable Mr. G. K. Parekh;—Sir,—I beg leave to withdraw this amendment.

The amendment was by leave withdrawn.

Clause 1 was then put to the vote and carried.

Clauses 28 to 33 were then severally put to the vote and carried.

The Honourable the Vice-President (Sir G. Carmichael):—Clause 34, item No. (25). The Honourable Mr. Gokuldas Parekh.

"At the end of sub-clause (1) add the following :—

'But the District Local Boards shall not direct the panchayats to pay any sum larger than is available to the panchayats at the time of the order either as cash or deposit in the treasury in which the funds of the panchayats are lodged or both taken together.'"

The Honourable Mr. G. K. Parekh :—Sir,—In reference to this amendment I submit that where the work that the panchayat is called upon to do is beyond the means with which it is provided, I do not think that it would be right or reasonable that it should be called upon to pay more than it is within its power to provide for. So far as the revenues are concerned they are altogether of a definite character which the panchayat would not have any power to increase. Under these circumstances the expenses that it should have to incur should be in accordance with its ability to provide for the same. And I should think it would really be hard that the panchayat should be called upon, even in reference to works in connection with sanitation or health of the village, to provide for works which are beyond its capacity to bear. Under these circumstances, I think, the panchayat should only be called upon to pay in accordance with the means which are within its power, and should not be called upon to undertake works which are beyond its power.

The Honourable Sir Ibrahim Rahimtoola :—Sir,—There appears to be some misapprehension in regard to this clause. This is a special clause which deals with emergencies. Similar provisions in municipal and local board legislation give the power to the Collector. On this occasion following the principle of control by local bodies it is the district local board which is being given this power. The emergency to be dealt with may be an outbreak of an epidemic or some such serious and emergent matter in which, in the interests of the lives and health of the villagers, immediate steps may be required to be taken. The legislature wishes to give the local board the power of putting into effect this emergency clause to save the lives and the health of the villagers, and if any expenditure is incurred it is but right that the panchayats should pay it.

Sub-clause (1) of clause 34 reads as follows :—

> "In cases of emergency the district local board may provide for the execution of any work, or the doing of any act, which a panchayat is empowered to execute or do, and the immediate execution or doing of which is, in its opinion, necessary for the health or safety of the public, and may direct that the expense of executing the work or doing the act, shall be forthwith paid by the panchayat."

Sub-clause (2) says :—

> "If the expense is not paid, the district local board may direct the officer in charge of the treasury in which the village fund is kept to pay such expense or as much thereof as is possible, from the balance of such fund in his hands."

It will be observed that the district local board is authorized to draw from the treasury "such expense or as much thereof as is possible, from the balance of such fund". That is exactly what the amendment wants. That has already been provided. There is a further safeguard provided in the bill to the effect that the district local board shall report to the Governor in Council every case in which these emergency powers are exercised by

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it. It will be apparent to honourable members that every care has been taken to see that these emergency powers are properly exercised by the district local boards. Government control over the district local boards is provided in this respect. I do not see what more is wanted by the honourable member.

The Honourable Mr. G. K. Parekh :—Sir,—According to clause 34 as it is framed, I understand that where directions are given to carry out an emergency work, the panchayat is bound to carry it out, that is, even if the work is not limited either to its means or to its ability. The whole thing is that the panchayat would be bound to carry out an emergency work or any work that it is directed to carry out without any provision from the district local board. Then the question is, when a work is directed to be done by the local board, has it the power of recovering the expenses from the moneys that are in the hands of the panchayat or kept for the benefit of the panchayat? But still one contingency does remain. In the event of the fund not proving sufficient, I do not think this provision of sub-clause (2) makes the panchayat responsible.

The Honourable Sir Ibrahim Rahimtoola :—It would perhaps save time if the honourable member allows me to point out that sub-clause (1) which he proposes to amend does provide for this. It says "In cases of emergency the district local board may provide for the execution of any work, or the doing of any act, which a panchayat is empowered to execute or do". They are not going to be called upon to do anything whatsoever which is not covered by the act.

The Honourable Mr. G. K. Parekh :—What I submit, sir, is that the expenses probably may be considerably more than are contemplated, and it is for those contingencies that I should wish that the panchayats should not remain liable in reference to those additional expenses that are incurred.

The amendment was then put to the vote and lost.

Clauses 34 and 35 were then severally put to the vote and carried.

The Honourable the Vice-President (Sir G. Carmichael) :—Clause 36, item No. (26) :—

"Insert the following between the words 'Government Gazette' and 'supersede' in line 10, viz. :—

'in the first instance dissolve the panchayat and order a re-election thereof' and if the panchayat so re-elected is found equally remiss or refractory may '.',

The Honourable Rao Saheb Desai.

The Honourable Rao Saheb H. D. Desai :—Sir,—The amendment which I propose seeks to give an oportunity of a *locus penitentiae* to the panchayats in cases where the Governor in Council thinks it necessary to exercise his powers under the clause. The clause as it stands says :—

> "If in the opinion of the Governor in Council a panchayat exceeds or abuses its powers or makes persistent default in the performance of the duties specified in section 18, the Governor in Council may, after reference to the district local board, by an order in the *Bombay Government Gazette*, supersede such panchayat for a period specified in the order."

The amendment that I propose would make the clause run this way :—

> "If in the opinion of the Governor in Council a panchayat exceeds or abuses its powers or makes persistent default in the performance of the duties specified in section 18, the Governor in Council may, after reference to the district local board, by an order in the *Bombay Government Gazette*, in the first instance dissolve the panchayat and order a re-election thereof, and if the panchayat so re-elected is found equally remiss or refractory may supersede such panchayat for a period specified in the order."

Whenever there have been cases of supersession of municipalities the general protest is that if particular representatives of the ratepayers of a local area were found to be remiss or refractory or making persistent default, that is not the fault of the ratepayers; and therefore why should you not give the ratepayers an opportunity of sending another set of representatives? Before exercising the power given under this bludgeon clause, the ratepayers ought to have an opportunity of sending other representatives by way of a *locus penitentiae*. If the fresh representatives

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whom they may send also persist in abusing their powers, then it would be for Government to consider whether they are right in superseding the panchayat or whether the persistency with which a certain body sticks to its opinion is worthy of consideration. Under these circumstances, this would be rather a step in advance, and I do not see why the Honourable Sir Ibrahim Rahimtoola, who has always the privileges and rights of the ratepayers at heart, should fight shy of an amendment of this character which would give what the popular cry always asks for, namely, an opportunity to the ratepayers of considering the whole matter, and not taking the action of supersession before giving such an opportunity. I hope this amendment will commend itself to the Honourable Member in Charge as well as to the members of this Council.

The Honourable Mr. R. P. Paranjpye:—Mr. President,—I do hope, sir, that the Honourable Member in Charge will look upon this amendment with a favourable eye and accept it. I think that if public opinion in many cases, at any rate in some cases, objects to Government's high-handed ways, it is to a great extent due to the fact of their not doing things properly. In the case of supersessions of some municipalities which were really unsaisfactory, people think that the whole thing might have been managed better. Give the electors a chance of sending better representatives and see if they cannot show improvement or better management. In the case of panchayats, where there is to be adult suffrage, everybody ought to be interested in seeing that the panchayat is going on efficiently, and therefore, if they appear to have made a mistake once in electing unwisely the members who cannot manage their affairs properly, I think, the electors should have an opportunity of appointing different people to carry out the objects of the bill. I do, therefore, hope that this amendment will be carried. I may say that I am not one of those who think, that whenever there is a supersession of a municipality, Government is always in the wrong and the municipality is right. I do admit that there may be occasions when a municipality or a panchayat has to be superseded, but it should be done only as a last resort. If the electors of a panchayat are given the opportunity of returning fresh representatives, Government may be saved the necessity of doing the unpleasant duty of removing a panchayat, because occasionally a remedy may be found for better management by getting better representatives, and the final unpleasant step of superseding the panchayat may be avoided altogether. I do hope, therefore, that the Council and Government will accept this amendment.

The Honourable Mr. P. A. Desai:—Mr. President,—I have one difficulty in regard to the amendment that has been proposed by the Honourable Rao Saheb Harilal Desai. His amendment is that when a panchayat is superseded for remissness or negligence in the discharge of their duties, another panchayat should be constituted. The difficulty which arises in my mind is this, that supposing you want a panchayat for a second term of six months, how can a new panchayat be constituted for that period? Under clause 10 of the bill we say that members elected at a periodical election shall ordinarily hold office for a term of three years, and unless that clause is changed and a separate provision is made, I cannot understand how under that provision a new panchayat can be constituted for the period for which the panchayat has been dissolved or suspended. Therefore, the amendment is unworkable unless the other provisions are amended.

The Honourable Rao Bahadur G. K. Sathe:—Mr. President,—I support this amendment and I support it on the ground that it gives a further opportunity for the villagers or for the electors to send in a better class of representatives to avoid an order of supersession. This principle of dissolution of a local body has been recommended by the Government of India in their local self-government resolution of 1918, and in recommending it, amongst the reasons which they have given, one is that the representatives who come in through election have always a dread that in case they do not behave properly the panchayat or local body stands a chance of being dissolved. What is the object of Government in framing this clause regarding supersession? The object is that people should realize their responsibilities and that such occasions should be very rare. It might be said by the Honourable Member in Charge of the bill that this clause about supersession is to be put into operation after consulting the local board. That is true. That only shows that Government will not take that step at once; the district local board, which is likely to be an almost elected body, will advise Government as to whether a case has been made out for supersession or not. So far, that is good indeed; but the amendment which has been put forward by the Honourable Rao Saheb Desai takes us a step further, namely, that instead of superseding the panchayat and getting in men nominated by Government to act as a panchayat for the time being, you give by this amendment a

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further opportunity for people to send in better representatives to avoid the stigma of supersession at the hands of Government. From this point of view nothing is lost in accepting this amendment. On the contrary we would be teaching a good lesson to the panchayats and we would be asking electors to send proper persons when one body is dissolved. I have, therefore, great pleasure in supporting this amendment.

The Honourable Dewan Bahadur K. R. Godbole:—Mr. President,—I am not inclined to support the amendment that has been brought forward by the Honourable Rao Saheb Desai and my grounds are these. These panchayats as constituted have a life of only three years and elections are made for this period of three years. The bill provides that if a panchayat fails in the performance of its duties Government will consult the district local board, which is another elected body, and this elected body will never agree to the supersession of a panchayat until it really sees that the grounds are strong. That is one safeguard. Then, after the panchayat is superseded, who is to take the place of the displaced panchayat? It is another elected local body and that is the district local board again. The Honourable Rao Saheb Desai proposes that in case a panchayat is found to be inefficient and incapable of performing its duties it should be suspended, another election should be held and a fresh set of village representatives should work on the panchayat. This new body may have to work for two or three months only. Will it be proper to hold a fresh election, when the newly constituted panchayat will have to work only for six months and in some cases for three months? I think it is not worth while going in for the trouble of having a second elected panchayat; it would suffice if the work of the inefficient panchayat is transferred to the district local board until the next election, which will take place in due course. I am inclined to think that the clause, as it stands at present, will serve the purpose adequately and that the proposed change is unnecessary.

The Honourable Sir Ibrahim Rahimtoola:—Mr. President,—I think the explanation which the Honourable Dewan Bahadur Godbole has given completely meets the point raised by the Honourable Rao Saheb Desai. The point for consideration is this. Honourable members should not mix up municipalities and panchayats. In the case of municipalities, Government can supersede them, and constitute a committee of management. This practically means taking over municipal administration in their own hands and working it through their own nominees. Any intervening measure of this character, under those conditions, would perhaps command considerable support. I can quite appreciate the desirability of providing some such measure before supersession of municipalities. But the case of the panchayat is entirely different. Government cannot supersede a panchayat without, in the first instance, referring the matter to the district local board. I should like to invite the attention of the Council to the fact that the words "after reference to the district local board" have been introduced in the original bill by the select committee. The district local board will, therefore, have a voice before a panchayat is superseded. Let us now examine what would happen when a panchayat is superseded. Government do not, as in the case of municipalities, nominate a committee of management to carry on the work, but it is the district local board, a largely elected body, which will have to do so till the panchayat is re-constituted. In the case of a municipality, no public body is consulted; Government take action, and appoint a committee of management themselves. In the case of a panchayat, it is the district local board which will really be responsible for supersession, though the orders will be issued by Government, and that body will have to carry on the work in the interval.

There is another reason why this amendment is unnecessary. Within a very few months, local self-government will be a transferred subject, and a Minister responsible to the Legislative Council will be in charge. Therefore, a supersession can only take place after a district local board is consulted and a Minister has given his sanction. I believe that under those circumstances, the provision of the bill as it stands will more than adequately meet all the requirements of the case. I hope honourable members will reject the amendment.

The Honourable Rao Saheb H. D. Desai:—Mr. President,—The arguments advanced by the Honourable Dewan Bahadur Godbole, and endorsed by the Honourable Member in Charge appear to me not to bear examination. It is said that the ordinary life of a panchayat is for three years, and we need not trouble ourselves for the sake of two or three months with an intervening dissolution and re-election; it has worked for two years, it is found

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refractory, and there is only a year which remains. As the clause of supersession is there, we have simply to consider whether it would be proper to allow the operation of the supersession clause at once, without the intervention of a dissolution in the intermediate stage. Now, you will find from clause 36 (2) (*b*) that all powers and duties of the panchayat shall, during the period of supersession, be exercised and performed by such person or persons as the district local board may from time to time appoint in that behalf. If you turn to the Municipal Act, there also there is a similar provision. Section 179 (2) says that when a municipality is superseded all powers and duties of the municipality shall, during the period of supersession, be exercised and performed by such person or persons as the Commissioner may from time to time appoint.

In these circumstances, in the case of the panchayat, it is not the district local board which will assume the management to itself. The district local board will appoint one or two persons to carry on the panchayat, as in the case of municipalities. Consequently, it is not direct management by the district local board, and therefore it is quite necessary that there should be a *locus penitentiae* before the clause is put into operation.

The Honourable Mr. P. A. Desai found difficulty with reference to this amendment as compared with the provisions of clause 10. Clause 10 says:—

"Members elected at a periodical election under this Act shall ordinarily hold office for a term of three years and shall be eligible for re-election."

He thinks that unless we amend that clause, this amendment will conflict with it. I do not see how it can, because the ordinary term of a panchayat is three years. When, in the circumstances contemplated in this clause, some intervention becomes necessary, the panchayat could be dissolved and a re-election ordered. To have such a thing would be to teach them a lesson that their administration was not good, so that the successors who may be sent by the ratepayers may behave in a better way. That would be a proper step to take, preliminary to an order of supersession. It is no use using all the powers of supersession all at once. It is better to teach these people a lesson if they are perfunctory or are making default, and in the first instance call upon the ratepayers to send out new men, and see whether they improve. That would be a proper way of taking public opinion than simply taking the whip and lashing it round all at once, without giving the members any notice or any opportunity of reforming themselves.

The amendment was put to the vote and lost.

The Honourable the Vice-President (Sir G. Carmichael):—Clause 36 (2), Item No. (27).

"(a) Insert the words 'dissolved or' before the word 'superseded' in sub-clause 2 of the clause."

"(b) Insert the words 'dissolution or' before the word 'supersession' in line 21 of sub-clause 2 (b) of the clause."

The Honourable Rao Saheb Desai.

The Honourable Rao Saheb H. D. Desai:—Mr. President,—This amendment is consequential on the one which I just moved, and which was lost. I therefore withdraw it.

The amendment was by leave withdrawn.

Clauses 36 to 39 were then severally put to the vote and carried.

The Honourable the Vice-President (Sir G. Carmichael):—Clause 40, Item No. (28). The Honourable Mr. Gokuldas Parekh.

"In line 7 substitute for the words 'a third class' the word 'any'."

The Honourable Mr. G. K. Parekh:—Mr. President,—This is only a very small amendment, and I should think of a very formal character. I do not at all object to the third class magistrates taking cognisance of cases of this kind, but all that I say is that if there are other magistrates of higher classes who are available, and who can take up the cases, why should it be said that these cases should be triable only by third class magistrates? I think they may be taken up by any magistrate, which would include every class of magistrate.

The Honourable Sir Ibrahim Rahimtoola:—Mr. President,—Government is prepared to accept the amendment.

VILLAGE PANCHAYATS' BILL—SLAUGHTER OF CATTLE—PUNITIVE POLICE, NADIAD.

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The amendment was put to the vote and carried.

Clauses 40 to 43 were then severally put to the vote and carried.

The Honourable the Vice-President (Sir G. Carmichael):—Clause 44. Item No. (29). The Honourable Sir Ibrahim.

"The proviso shall be deleted."

The Honourable Sir Ibrahim Rahimtoola:—Mr. President,—This amendment is merely consequential to clause 21, which was amended yesterday. It does not call for any remarks.

The amendment was put to the vote and carried.

Clause 44 was then put to the vote and carried.

The preamble was put to the vote and carried.

The Honourable Sir Ibrahim Rahimtoola:—Mr. President,—My attention has been drawn to a small verbal amendment which will be necessary in consequence of the Honourable Rao Saheb Desai's amendment to clause 25 having been carried. It is that

"in clause 25 (i) substitute the word 'section' for the word 'clause'."

The amendment was put to the vote and carried.

The Honourable the Vice-President (Sir G. Carmichael):—Bill to provide for the constitution of village panchayats (Bill No. XI of 1919). Third reading. The Honourable Sir Ibrahim Rahimtoola.

The Honourable Sir Ibrahim Rahimtoola:—Mr. President,—I beg to move that the bill be read a third time and passed. I hope honourable members will join with me in wishing complete success to this measure, which provides considerable advance in local self-government matters. I hope every effort will be made to make this experiment a success, and thereby to contribute towards further progress on democratic lines. With these words I beg to move the third reading of the bill.

The Honourable Sir Ibrahim Rahimtoola moves the third reading of the bill.

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

Bill read a third time.

DISCUSSION OF MATTERS OF GENERAL PUBLIC INTEREST.

The Honourable the Vice-President (Sir G. Carmichael):—Yesterday we took the first resolution of the Honourable Mr. Paranjpye. In the same way we will take to-day the first resolution of another honourable member. Resolution No. 3. The Honourable Mr. Belvi.

"This Council recommends to His Excellency the Governor in Council to be pleased to take such steps, legislative or otherwise, as will prevent the slaughter of agricultural and milch cattle beyond a prescribed minimum in the Presidency of Bombay including the Province of Sind."

The Honourable Mr. D. V. Belvi:—Mr. Chairman,—I regret my inability to move this resolution at this session of the Council inasmuch as certain information for which I have applied to Government in the form of an interpellation has not yet been furnished to me. So I request that the consideration of this resolution may be allowed to wait until the next meeting of the Council.

The resolution was by leave postponed.

The Honourable the Vice-President (Sir G. Carmichael):—Resolution No. 6. The Honourable Mr. Parekh.

The Honourable Mr. G. K. Parekh:—Mr. President,—The resolution which stands in my name runs as follows:—

"The Council recommends that the Governor in Council be pleased to remit the collection from the Bania and Patidar inhabitants of Nadiad of the cost of the additional police stationed at Nadiad between August 1919 and February 1920 and the damages sustained by the B. B. & C. I. Railway by the removal of the rails and the cutting of the telegraph wires on the night of the 11th of April 1919."

Before I proceed to the resolution, I should like to place before the Council a few facts for a clear understanding of the real merits of the case. During the first 9 days of April 1919 in consequence of the passing of what is known as the Rowlatt Act in the teeth of the unanimous opposition of all the Indian members, there was, throughout the whole country, a considerable amount of excitement. On the 10th of April disturbances took place at Ahmedabad, Viramgaum and some other places owing to the rumour which had

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then spread that Mr. M. K. Gandhi, while journeying by the railway between Bombay and Delhi, had been arrested and that the order for his internment was being carried out. Though there were disturbances in Ahmedabad and Viramgaum, so far as Nadiad was concerned, the leaders of the village used considerable efforts to see that there was no contagion of the disturbances in Nadiad, and to that extent their efforts were quite successful. Some mischief occurred at a place within the limits of Nadiad. About a mile and a half from the town itself some rails of railway line were removed with the object of preventing a train that was coming from Bombay with troops, proceeding to Ahmedabad.

On the 21st of April the Collector of Kaira sent a letter to the Municipal Board of Nadiad in which he appreciated the action of the leaders of the Nadiad society in having kept the town quiet during the time of strain and excitement. In that letter the Collector also expressed his wish that so far as the people of Nadiad were concerned, they should publicly show their condemnation or dislike of the action in reference to the removal of the rails. Not very long after the Collector's letter was received, the municipality convened a meeting at which the acts of those persons who had committed the mischief were condemned, and they went further by offering a reward to the person who would give information which would lead to the detection of the offenders. They expressed regret that the thing should have occurred in Nadiad, and a reward of Rs. 500 was offered by the municipality to any person who would give information that would lead to the detection of the offenders. I do not think, sir, that under the circumstances under which the act took place, it was possible for the municipality to do anything more. The act must have taken place after midnight of the 11th or the early morning of the 12th, and at a considerable distance from the town, and I do not think that the people themselves could know or procure information about the persons who were concerned in the improper act. The matter went before the police. They made enquiries, and 14 people were placed before a Special Tribunal. The Tribunal considered that the evidence produced before it was not at all convincing and could not bring home the offence against 13 of the persons who were brought before it. There was one man who made a confession that he was an accomplice, and that man only was convicted. The rest of the persons were discharged by the Tribunal.

On the 26th of May the Collector wrote a letter to the Commissioner in which he explained the reasons for stationing additional police in Nadiad and also suggesting that the cost of this additional police be made payable by the Bania and the Patidar population of Nadiad. I think it will be necessary to put before the Council what has been alleged to be the reason for stationing the police and for requiring the Patidar and the Bania population of Nadiad to pay the cost of the special police. These reasons are:—

> "This offence is clearly the direct outcome of the persistent agitation against Government which has been going on among the people of Nadiad for some years, and to my personal knowledge since the beginning of 1918. Nadiad is the centre of the agitation in the district, it was the headquarters of Mr. M. K. Gandhi last year during the passive resistance movement, a movement of opposition to the payment of Government dues and thus directly calculated to undermine, as it did in fact undermine, all respect for the officers of Government and for Government itself."

The Honourable the Vice-President (Sir G. Carmichael):—May I ask the honourable member what he is reading from?

The Honourable Mr. G. K. Parekh:—I am reading from the letter of the Collector.

The Honourable the Vice-President (Sir G. Carmichael):—Was it published?

The Honourable Mr. G. K. Parekh:—It was not published. But the copies of this letter were furnished. .....

The Honourable the Vice-President (Sir G. Carmichael):—To whom?

The Honourable Mr. G. K. Parekh:—They were furnished to the members of the municipality.

The Honourable the Vice-President (Sir G. Carmichael):—By whom?

The Honourable Mr. G. K. Parekh:—That I am not able to say at present. I have no instructions to say from whom they were received. But then my honourable friend Rao Saheb Desai tells me that all this appeared in the newspapers.

The District Magistrate further states in his letter to the President of the Municipality:

> "The probable results of the agitation were not unforeseen; several months ago I personally warned Mr. Gokaldas Talati, President of the Municipality, who was also

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President of the Home Rule League, that the younger generation was getting out of hand as a consequence of what was going on, but no attention was paid to the warning as the leaders in their own conceit, were not at the time prepared to take any advice from Government officers.

"(*c*) The Patidars of Kaira District affect to despise the Banias as their gumastas or clerks, but the agitation against the payment of land revenue, organised by the latter, became popular with the Patidars who are the principal land owners, as it held out to them the prospect of some temporary pecuniary advantage. When things came to a head the active part was naturally taken by the more enterprising Patidars, while the Banias remained in the background; it may be mentioned here that Mr. M. K. Gandhi himself, and the two leaders of the agitation in Nadiad, Mr. Gokaldas Talati and Mr. Fulchand Shah, the Secretary of the Home Rule League, are all Banias.

"(*d*) In my letter P.O.L. dated 21st April 1919, a copy of which was forwarded to you with my No. P.O.L. dated 1st and 2nd May 1919, the people of Nadiad through the President were given an opportunity of dissociating themselves from the outrage and assisting in bringing the offenders to justice. Except for the perfunctory offer of a reward of Rs. 500 they have done nothing; no leader of the Nadiad public has given me any information worth having, and the perpetrators of the crime have been discovered without any assistance from the people of the town. It is clear, then, that they have not taken the opportunity which was offered to them, and that they have done nothing to absolve themselves of responsibility."

Then Government issued orders for stationing the additional police and the additional police was accordingly stationed. The additional police remained at Nadiad till the month of February, the cost of which, when estimated, came to nearly Rs. 24,000, and this has been ordered to be paid by the Bania and Patidar inhabitants in Nadiad. Now from the reasons which I have already mentioned to this Council, honourable members will see that there is none which is connected with the mischief of April 1919. It is not made out that except one, any other persons of Nadiad were concerned with these acts. It was just possible that people of Ahmedabad or from some other villages in the district might have done it. The time was such that there could not have been any premeditation on the part of several persons to encourage the action, and looking to the hour at which the act should have been done and the place where it was done, it was most unlikely that any man in Nadiad knew what had taken place.

These, I submit, are the reasons upon which Government consider that they were justified in requiring the Nadiad people to pay the expenses of the additional police. Nadiad was never in any disturbed condition. It has always remained quiet, loyal and peaceful both before the 11th of April and after the 11th of April. It was not a place where the people were prone to any sort of disturbances, they have shown themselves to be peaceful people. Even during the times of the greatest strain and excitement, quiet and order was maintained. And in respect of the stationing of the additional police there was not any condition created among the people of Nadiad which would have justified the stationing of it for the purpose of maintaining peace and order. The next question is, whether it was right to make the circumstance of the previous action of the inhabitants of Nadiad in concerning themselves with the passive resistance campaign and the Home Rule League, a ground for throwing on them the cost of the additional police, when they took not the slightest share in the acts of April 1919.

In the first place I submit that the carrying out of the Home Rule campaign which was a constitutional movement going on under the orders of the Indian National Congress, should not be regarded as a ground for punishing the people. There is nothing mentioned about their having said or done anything which they could not have legitimately said or done. It was a matter of argument and persuasion on the most important public question, and I think, therefore, that the circumstances that these people took part in the Home Rule League propaganda in 1917-18, and thereby weakened the authority of the officers of Government, is certainly not a ground for the purpose of requiring them to pay the cost of the additional police.

Then there is the question of Mr. Gandhi and Mr. Talati and Mr. Shah being Banias. The population of Nadiad consists of several thousand Banias and Patidars, and I say that Mr. Gandhi does not belong to Nadiad, he belongs to Kathiawar. But he is not a native of Nadiad, and of the other two gentlemen, one was the President of the Home Rule League and another was secretary of the Home Rule League. The circumstance that two out of the several thousand Banias of Nadiad were officers of the Home Rule League is no

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reason for imposing on the Banias of Nadiad the burden of the expenses of the additional police.

Then with reference to the passive resistance movement, that movement commenced long before April 1919. Though subsequent to April 1919, there may be some ground for apprehending that there is some danger of breach of peace in consequence of the campaign going on, at the time no man had the slightest conception that the carrying on of the campaign in the manner Mr. Gandhi was doing, would lead to any sort of disorder.

Under these circumstances I should think that there was not the slightest necessity for the stationing of additional police, and even if Government thought that the additional police was necessary, I submit further that there is no legitimate ground whatever for requiring the inhabitants of Nadiad to pay the expenses of this aditional police. With these words I request that this resolution be adopted by the Council.

The Honourable Mr. L. Robertson:—Sir,—It may assist the consideration of this resolution if I place before this Council somewhat more fully than the Honourable Mr. Parekh has been able to do, the occurrences that took place at Nadiad on the 11th April 1919 and about that time. The honourable member mentioned only, I think, the derailment of a troop train. There were however other occurrences at Nadiad to which I should like to draw the attention of the Council.

On the morning of the 11th of April 1919 a mob headed by a man well known in Nadiad went to the high school at Nadiad and attempted to coerce the head master to close the school. The head master refused to do so. The police interfered and the mob dispersed. The leader, however, was arrested later by the police and was prosecuted before the District Magistrate for being a member of an unlawful assembly, was convicted, was fined Rs. 300 and was bound over in Rs. 500 with two sureties of the like amount to be of good behaviour for one year. On the night of the same day the troop train proceeding with reinforcements for Ahmedabad, where they were very urgently required, was derailed about a mile and a half from Nadiad town, and it was only by the mercy of Providence that the derailment did not cause the troop train to run down the embankment. If that had happened, a large number of His Majesty's soldiers would have been done to death. Fortunately, no one was injured. On the same night the telegraph wires along the railway lines were extensively cut, both south and north of Nadiad. The person I have mentioned as the leader of the mob that invaded the Nadiad high school was arrested and on his person there was found an inflammatory leaflet. He was subsequently prosecuted before the second Special Tribunal for spreading false information and was convicted. Of the falseness of the information which he was spreading, the following extracts will convince the Council:—

> "The English people are very tyrannical, they are perfidious and treacherous; post offices, railways and telegraph offices must be destroyed first; the police must also be destroyed to ensure a positive success; Collectors, Commissioners and Governors in particular; to slaughter the white people take up swords; form plots and have courage, but do not have at heart the slightest mercy; then only will success be achieved, understand, oh, India."

This leaflet was headed "Din Din Jagao: Har Har Mahadev", which means, as the Council are probably aware, the Mahomedan and the Hindu war cries. The appeal was, therefore, to both communities.

Now, I think, the Honourable Mr. Parekh urged the plea that the people of Nadiad may not have been responsible for the derailment of the troop train. On this point I am content to rely upon the judgment of the Tribunal which tried the case. Thirteen inhabitants of Nadiad were placed before the Tribunal and charged with the offence. Only one, however, was convicted and the reason for that was not that the case in itself was a false one, but that the witnesses, many of whom had made statements before magistrates prior to the case coming on, resiled from their statements and the Tribunal had not, therefore, before it evidence upon which to convict the accused. This is what the Tribual says:—

> "In conclusion on the general aspects we are of opinion that the police inquiry, into the aspects of which we have gone at some length, was on the whole absolutely honest and fair. There is no doubt that the statements which the witnesses brought to corroborate the approvers made to the police and District Magistrate, Kaira, or Resident Magistrate, Nadiad, were true in the main though pressure had to be exercised probably to get the truth out of these witnesses. In the criticisms levelled by us at the police and magistrates we feel we must take into consideration the state of feeling in Nadiad which was undoubtedly very hostile to the European and Indian

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officials and police, thanks to the activity of the Home Rule League, the Satyagraha and other revolutionary agitations, and it is possible that any other procedure might have resulted in an outbreak in Nadiad which the authorities were anxious to avoid."

The judges were there commenting on the fact that enquiry into the offence was delayed, that the enquiry was not taken up immediately. And the reason as found by the judges was that the authorities were anxious to avoid an outbreak at Nadiad of which there appears to have been great probability. Then they go on to say :—

"We must also recognize that pressure has probably been exercised on the witnesses who have now resiled from their evidence given on oath to the District Magistrate, Kaira, or Resident Magistrate, Nadiad. The manner in which these witnesses gave their evidence in this Court shows that they were undobutedly tutored and that by people with some legal knowledge and not a little cleverness."

In the course of this passage which I have read, the Tribunal gives us an accurate description of the state of affairs at Nadiad at that time which, as the judges say, was undobtedly very hostile to the European and Indian officials and police, thanks to certain agitations which I named.

Now, that being the state of affairs, I think, the authorities were quite right in taking strong measures to secure the safety of the law-abiding part of the population and the Government treasure and buildings. Accordingly a force of 200 Indian infantry was stationed at Nadiad as soon as it could be made available, and a substantial portion of this force remained at Nadiad until the special police referred to in the resolution could be organized and sanction could be got from Government to their location at Nadiad. They were actually located there in July 1919 and were removed in February 1920 when Government were satisfied that the agitation had died down.

Another point made by the honourable mover was that it is unfair to saddle the Patidars and Banias only with this levy, and he read us a part of the letter from the Collector of Kaira in which reasons for imposing the levy on these two communities were explained. He did not, however, finish the letter. I do not know whether the part I am now going to read is in the copy which the honourable member possesses, but I think I should bring it to the notice of the Council. After the passage which the honourable member read, the following passage occurs :—

"Special blame attaches to the Banias for two reasons; first because the leaders who created the spirit of opposition to Government which culminated in the derailment belong, as has been pointed out, to that community, and secondly because by closing their shops all the shopkeepers, who are mostly Banias, gave the signal for commotion and excitement to the unruly elements in the town. There is nothing in itself illegal in closing a shop, but the *hartal*, or organised closing of shops, has been for centuries, as the promoters and participants well knew, a sign of civil disturbance, and when it is done without cause, it has the effect of an incitement to disorder. No man can be blamed for closing his shop when a riot has started, but when the *hartal* comes first those who take part incur a grave responsibility. In Nadiad the first *hartal* took place on Sunday, April 6th, without any reason whatever, and thus prepared the way for the disturbances of the 11th which were ushered in by a general closure of shops."

In the circumstances which I have endeavoured to. . . .

The Honourable the Vice-President (Sir G. Carmichael):—I would bring to the honourable member's attention the fact that his time is nearly up.

The Honourable Mr. L. Robertson:—In conclusion, I trust that the Council will be convinced that not only was the location of the additional police necessary at Nadiad, but that the imposition of the cost on the Patidars and Banias was also quite justifiable.

The Honourable Rao Saheb H. D. Desai:—Mr. President,—Neither myself nor the Honourable Mr. Parekh have anything to do with the Nadiad town or with any of the political organizations there. But this is a question of far wider importance than at first sight would appear. It is not as if it only related to Nadiad. Government oftentimes take resort to special provisions of section 25 of the District Police Act, which empowers them to employ additional police in cases of special danger to public peace. The section says :—

"Government may, from time to time, by notification, direct the employment of additional police for such period as it shall think fit in any local area which shall appear to it to be in a disturbed or dangerous state, or in which the conduct of the

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inhabitants or of any particular section of the inhabitants shall, in its opinion, render it expedient temporarily to increase the strength of the police."

Now, in reply to my question in September last it was said that after the 11th and 12th April of 1919 there was no disturbance in Nadiad, and from all that the Honourable the Inspector General of Police said, all that I am able to gather, and also all that honourable members of this Council must have gathered, is that additional police was imposed not for preventive purposes but for punitive purposes for political agitation in the past which had created a state of excitement.

The Honourable the Vice-President (Sir G. Carmichael):—May I point out that the Honourable Mr. Robertson has not said anything of the kind? He said that the military were engaged to protect Government buildings and the railways, and that police were imposed when it was possible to replace the military by these police.

The Honourable Rao Saheb H. D. Desai:—Well, in the answer of Government to my question in September last they related what took place on the 11th and 12th April and said that no subsequent cases of violence were reported. So it is apparent that after the 13th April nothing happened which made it expedient to prevent a disturbance and for that purpose to employ additional police. The gist of the whole position is this, whether Government were justified in employing additional police for the political opinions and excitement which had taken place in the past year, in order to prevent anything which was likely to occur again in the future. Well, in view of the answer that was given and in view of the absence of any allegation of that sort, from all that the Honourable the Inspector General of Police said, it appears that after the 13th April there was no reason to employ additional police in Nadiad, and for that reason I say it was more for punitive purposes than for preventive purposes that the additional police was employed. My question in September last was pointedly directed in this way. I asked whether the employment of additional police in Nadiad was not in fact a punitive rather than a preventive measure, and the answer was "The honourable member is referred to section 25 (1) of the District Police Act which specifies the grounds on which additional police may be employed." Here the question is not confined to Nadiad alone, but there is a larger question involved in this resolution. The question is whether, as has happened in the case of Nadiad, it is proper that Government should employ additional police even after the danger has passed, and there is no real cause for apprehension and prevention. In these circumstances, if additional police are employed, it will be simply a punitive measure, with a view to teach the people a lesson in view of what happened in the past. Whether it should be done or not is the principle underlying the resolution. The judgment of the Special Tribunal, to which reference was made by the Honourable the Inspector General of Police, also says that the Superintendent of Police in charge of the railway,—I believe it was Mr. Kelly—ought to have taken the investigation into his own hands, and ought not to have left it to the local inspectors and sub-inspectors.

The Honourable the Vice-President (Sir G. Carmichael):—The honourable member must confine himself to the actual resolution.

The Honourable Rao Saheb H. D. Desai:—I am confining myself to the resolution. My point is this, that if the case before the Tribunal, with reference to the derailment, failed against the other people, that was more due to the want of proper investigation, as remarked by the Tribunal. That happened for no fault of the people of Nadiad. I, therefore, say that the failure of a case would not be a proper ground for the imposition of additional police. If somebody in a class room committed mischief, and the teacher was not able to find out who committed the mischief, would there be any justification in it if he fined the whole class?

The Honourable the Vice-President (Sir G. Carmichael):—I must ask the honourable member to keep to the point. I do not think that the Honourable Mr. Robertson or any other honourable member suggested that the additional police were imposed because the case against many of the accused failed.

The Honourable Rao Saheb H. D. Desai:—The Honourable the Inspector General of Police has not been able to show that the Patidars had anything to do with the derailment, and there is nothing of that sort in the judgment.

The Honourable the Vice-President (Sir G. Carmichael):—I must ask the honourable member to confine himself to the resolution.

The Honourable Rao Saheb H. D. Desai:—I am confining myself to the resolution. As I said, the judgment also to which he referred contains nothing, because other-

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wise it would have been possible for the judges to convict the other people. The only facts which are referred to by the Honourable Mr. Robertson in support of the order passed by Government for imposing additional police are the past acts from which future danger may be apprehended, and I think that that is not a sufficient ground, under section 25 of the District Police Act, for imposing additional police. I, therefore, hope that the Council will pass this resolution.

The Honourable the Vice-President (Sir G. Carmichael):—Before coming to the real matter at issue, it seems to me that the Honourable Mr. Gokuldas was somewhat inconsistent in what he said. He referred to the agitation which has gone on at Nadiad. He read a letter written by the Collector of Kaira, describing the course of proceedings, leading up to the trouble in Nadiad and Gujarat. The Honourable Mr. Gokuldas said that the fact that the preaching of the home rulers weakened the authority of the officers of Government, should not be taken as a reason for imposing additional police. I do not know whether he admits that the preaching in 1918 of the doctrine of payment of no taxes, and again in 1919 of the civil disobedience, did weaken the authority of Government officers. I think every one who knows the Kaira district holds the opinion that it did very seriously. After that, he proceeded to say that no man had the slightest conception that Mr. Gandhi's civil disobedience would lead to disturbances. It seems to me an extraordinary statement to make, after the warning which the Collector had given to the president of the Nadiad municipality. The Honourable Mr. Gokuldas referred to a letter which was written by Mr. Ker on the 21st of April, in which Mr. Ker had expressed appreciation of the action of the leaders of Nadiad society in keeping the town quiet. The Collector's intention in writing that letter was to make a strong appeal to the leaders to see that nothing happened in Nadiad in the very dangerous times through which the whole of Gujarat was passing. He may have expressed appreciation of the action of the leaders, but the gist of his letter was an appeal to them to make themselves really useful, and to come forward and help Government. He sent a copy of his letter to Government, and he said in reporting the fact to Government that he was anxious to give the people of Nadiad and the president of the municipality an opportunity of dissociating themselves from the outrages, and assisting in bringing the offenders to justice. No advantage was taken of that opportunity. The Honourable Mr. Gokuldas referred to the fact that the municipality offered a reward of Rs. 500 for information leading to the detection of that dastardly offence, the derailment of a troop train. But it is also a fact that no leader from Nadiad came forward to give the Collector any information worth having.

The Honourable Rao Saheb Desai suggested that no one connected with Nadiad committed the dastardly crime of removing the rails and upsetting the troop train. It seems to me that he is determined to disregard the probabilities of the case altogether. There can be no doubt that the crime was initiated in Nadiad city itself, and it certainly was not carried out by people of the Dharala class. The people who committed the crime must have had behind them the influence of the higher classes.

The Honourable Rao Saheb Harilal Desai further said that it was more a matter of punitive police than of additional police. The question, however, is whether, in the condition existing at that time in Gujarat, this additional police was necessary for the protection of property and for the prevention of disorder. Perhaps the Honourable Rao Saheb Harilal Desai knows how long it was necessary to maintain troops for the protection of Ahmedabad. Very serious riots took place there. I think, if the Collector had ordered the withdrawal of the troops on the 12th April altogether, the Honourable Rao Saheb Desai would have had a very just complaint to make against the authorities. It is no use locking the stable door after the horse has bolted. It is necessary for Government to foresee as far as possible future developments, and make provision for them. I think in Gujarat a sudden outburst might occur at any moment. I remember sitting peacefully in my tent in Mehamadabad some years ago. I got information of a sudden outburst near Nadiad at Chaklasa, where a mahatma spread the news that the British Government had come to an end. That was sufficient to induce a large number of the leading men of Nadiad to go out and see what he was doing, and offer their devotion to this particular holy man. The mamlatdar thought it necessary to take some steps and went to the place with one or two policemen. But immediately he appeared, the mamlatdar was attacked. He had gone there simply to make enquiries, in order to be able to make a report. One of the policemen was killed, and the mamlatdar fled under a shower of arrows. This illustrates the possibility of sudden outbursts in that part of the country. The two danger points in Gujarat in 1919 were undoubtedly Nadiad and Ahmedabad. Nadiad is astride the railway line between Ahmedabad and Bombay, and the Government

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telegraph line passes through that town. It seems to me that it would have been very unwise for Government not to have taken any precautions or not to have maintained them, until it was quite certain that there was to be no further trouble in Ahmedabad. The Nadiad people had indicated that they were ready to give trouble, in order to help the people in Ahmedabad. That was the reason why the mail train was derailed. The mob seems to have said "There are disturbances in Ahmedabad, and we should help the people there. Let us derail the train and break the telegraph wires", and so on. The people who said these things were not the common people, the Dharalas; they belonged to the Patidar and Bania class. Possibly they included some of the Brahmins, I do not know. The Collector knew the district very well. He had been through Mr. Gandhi's first campaign of passive resistance, and had then seen the beginnings of a civil disobedience campaign, and he had a very good idea of who were the people who were giving trouble, causing unrest, and who would be ready to start trouble in Nadiad again, and he made a recommendation as to who should pay for the police. I am sure honourable members who represent the Deccan would have been annoyed if, on account of disturbances in Gujarat, they had to pay for the additional police. It is only right that the people who caused danger should pay for the expense of averting it. There was no idea at all of imposing police for punitive purposes but for the protection of Gujarat as a whole. I think that covers the whole point. It is a very simple issue whether Government were justified, in the circumstances which existed at that time, in thinking that additional protection was required for the purpose of maintaining law and order in Gujarat. In the light of these remarks I hope that this Council will reject this resolution.

The Honourable Mr. G. K. Parekh:—Sir,—It is said that Government would have been unwise if they had not stationed the additional police at Nadiad. On the other hand, I submit that it would have been very proper if Government had not taken the course that they did. The whole question is: was there any disturbance in the town which would make section 25 of the Bombay District Police Act applicable? When the town is altogether peaceful, when it remains peaceful during the time of the greatest excitement, would it be right for Government to exercise the powers under section 25 and post additional police? So far as the first portion of this section is concerned, there was complete absence of a disturbed or dangerous condition in the town. As regards the second portion of the section, there was also nothing to show that any particular portion of the inhabitants did anything which would render it expedient to station additional police.

Then, with reference to the observations as to what the Collector said, I shall read to the Council the very words of the Collector which would show whether he did intend to express the appreciation of what the people had done for the purpose of maintaining order in the town, or whether he did not intend to do so. The letter of the Collector of 21st April proceeded in this way:—

> "I have the honour to address the municipal board of Nadiad as the representatives of the people of the town and in the first place to convey to them through the board my appreciation of the very general respect for law and order which they maintained through the period of strain and excitement which happily has now passed away."

The Honourable the Vice-President (Sir G. Carmichael):—I think that the honourable member, in order to be fair to this Council, should read further and also read what the Collector said in his letter of 26th May, paragraph (d).

The Honourable Mr. G. K. Parekh:—I will read the paragraph. But what I was reading was what the Collector said within 10 days of the occurrence, about the services that had been rendered by the people of Nadiad.

The next thing that I have to refer to is the statement that the municipal board merely made an offer of a reward and that it was all that it did, and did not furnish any information. There is not the slightest evidence, nor have I been able to find anything which would show, that there was any information in the possession of the people of Nadiad which they did not furnish to the authorities. I submit that it was most unlikely, under the circumstances under which the act was committed, that any of the inhabitants of Nadiad could have any information as to what had taken place. I, therefore, consider that no inference could be drawn against the inhabitants of Nadiad or any section of the Nadiad society that they, knowingly or having knowledge of the facts kept them back from the authorities. It would not be proper to use that circumstance as a circumstance showing the guilt of the Nadiad people. So far as their participation in the act is con-

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cerned, I find no evidence which would show that any portion of the Nadiad society liked the disturbance or wished that the disturbance should take place in the town. As a matter of fact, everything was done by them to prevent the occurrence of any sort of disturbance. All that is now before the Council and before the public is this that there were certain statements made before the police by persons who subsequently retracted them. This at once established that they were persons who could not be relied on. No statements of an approver and of other people would under these circumstances be used as evidence against the persons against whom they are made. I think, it would not be fair to make use of statements of those who are not prepared to confirm or adhere to such statements at the time they are cross-examined in the court. I submit that statements once made but retracted later on ought not to be used for the purpose of putting liability on the people.

I may say one thing more. At the time the order for establishing additional police was issued by Government no circumstance justifying the employment of additional police existed. My friend the Honourable Mr. Robertson has referred to the existence of a pamphlet in the pocket of a boy. Now, what has that to do with the people of Nadiad, or to show that the whole of Nadiad or any large portion of the community or any appreciable portion of the community knew or encouraged or liked the circulation of this pamphlet or were aware even of its existence? So far as the information placed before the public is concerned, I submit, there is not a scintilla of reliable material, which can be accepted as evidence, which would establish that the people of Nadiad were really concerned in the affair or that they attempted to shield the offenders or encouraged the act.

I have referred to the reasons which are the only reasons available to us for the purpose of showing on what grounds the police was stationed. If there are other reasons, I submit that Government should have put them before the public and allowed the Nadiad people an opportunity to meet them. I do not think it would be just that those people whom it is sought to charge should be kept ignorant of the reasons which led Government to act as they did, and that they should be held answerable for the payment of the money which Government are required to pay.

In reference to the portion of the letter of 26th May to which you, sir, directed my attention, and which I shall read presently, I may say that the argument that is put forward in that letter is most unsatisfactory. To expect information from the people leading to the detection of the offenders, when the regular police, after making all their enquiries, have failed to trace the perpetrators, is to expect from the people something which is impossible for them to supply. And to say that people were guilty or concerned in guilt, because they do not give information leading to the finding out of the offenders is certainly no ground to justify Government in stationing additional police in Nadiad. I submit, sir, that here we have to bear this fact in mind that notwithstanding the excitement, the peace of the town was actually maintained. It is, therefore, perfectly clear that the act was one that the majority of the people of Nadiad did not approve, and the attitude of the inhabitants of Nadiad on the 10th and 11th of April was altogether inconsistent with the share of guilt that Government attribute to them. I, therefore, ask that the resolution be accepted.

The Honourable Mr. D. V. Belvi:—May I ask you, sir, to read that portion to which you referred and to which the Honourable Mr. Parekh did not refer?

The Honourable the Vice-President (Sir G. Carmichael):—My point was to show how the Collector regarded the occurrences at Nadiad. The Honourable Mr. Gokuldas Parekh read the letter which the Collector sent to the president of the municipality on the 21st August, and I wanted him to read another letter of Mr. Ker showing the intention of his letter to the president of the municipality and how the Collector regarded the occurrences at Nadiad. The Collector in paragraph (*d*) of his letter to the Commissioner, writes:—

> "In my letter P.O.L. dated 21st April 1919, a copy of which was forwarded to you with my No. P.O.L. dated 1st and 2nd May 1919, the people of Nadiad, through the president, were given an opportunity of dissociating themselves from the outrage and assisting in bringing the offenders to justice. Except for a perfunctory offer of a reward of Rs. 500 they have done nothing; no leader of the Nadiad public has given me any information worth having, and the perpetrators of the crime have been discovered without any assistance from the people of the town. It is clear, then, that they have not taken the opportunity which was offered to them, and that they have done nothing to absolve themselves of responsibility."

PUNITIVE POLICE, NADIAD—SUBDIVISION OF AGRICULTURAL LANDS—ROADS AND COMMUNICATIONS—CENSUS RETURNS—RENT ACTS.

[*The Vice-President; Dewan Bahadur K. R. Godbole; Mr. Phiroze C. Sethna.*] [6TH AUGUST 1920.]

The Honourable Mr. Gokuldas Parekh in ending his speech said that the peace of the town of Nadiad had been maintained. It seems to me a curious thing to say that peace had been maintained when we have the fact that the headmaster of a high school was obliged to close his school and a troop train was derailed outside the town.

The Honourable Mr. Gokuldas Parekh has said nothing about the second part of the resolution. I am not aware myself whether any damages were ordered to be recovered by the District Magistrate. Government have no information about the matter.

The resolution was then put to the vote and lost.

The Honourable the Vice-President (Sir G. Carmichael):—The Council will now adjourn till 2-30 p.m.

The Council then adjourned for lunch.

After lunch.

The Council re-assembled at 2-30 p.m.

The Honourable the Vice-President (Sir G. Carmichael):—Order, order. Discussion of matters of general public interest. Resolution No. 7. The Honourable Dewan Bahadur Godbole.

"This Council recommends to His Excellency the Governor in Council that legislation should be adopted in this Presidency towards checking the excessive subdivision of agricultural lands that is taking place."

The Honourable Dewan Bahadur K. R. Godbole:—Mr. President,—I am quite prepared to go on with this resolution, but some of my honourable friends have been asking me to defer it to the next session of the Council as they want time to read the correspondence that has been published by Government on 29th November 1919 in shelving Mr. Keatinge's bill. So with your permission, sir, I will postpone the consideration of this resolution till the next session.

The resolution was by leave postponed.

The Honourable the Vice-President (Sir G. Carmichael):—Resolution No. 10. The Honourable Mr. Harchandrai Vishindas.

"That this Council recommends to His Excellency the Governor in Council, that a department be created, whose duty will be to see to the maintenance, renewal and repairs of old and construction of new roads and communications, in both urban and rural areas of the Presidency including Sind, the expenditure of such works to be met from the resources of authorities respectively responsible for the same."

The Honourable Mr. Harchandrai Vishindas not being present his resolution is deemed withdrawn.

The Honourable the Vice-President (Sir G. Carmichael):—Resolution No. 11. The Honourable Mr. Sethna.

"This Council recommends to His Excellency the Governor in Council to suggest to the Government of India that in the next census returns in the table known as 'Occupation or Means of living (unproductive)' beggars be shown separately and not be included as at present under the heading 'Beggars, prostitutes, receivers of stolen goods, cattle poisoners'."

The Honourable Mr. Phiroze C. Sethna:—Sir,—Might I be allowed to take resolution No. 15, instead of resolution No. 11?

The Honourable the Vice-President (Sir G. Carmichael):—Yes.

The Honourable the Vice-President (Sir G. Carmichael):—Resolution No. 15. The Honourable Mr. Sethna.

"This Council recommends to His Excellency the Governor in Council the desirability (a) of amending Bombay Act II of 1918 and Bombay Act VII of 1918 in the light of the experience gained by the working of the said acts so far, or (b) of appointing a committee to recommend to Government what amendments should be made in these acts."

The Honourable Mr. Phiroze C. Sethna:—Mr. President,—I beg to move the resolution which stands in my name and which you have kindly read out to the Council. Sir, when I sent in my resolution I had no idea that Government themselves intended to

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[6TH AUGUST 1920.] [*Mr. Phiroze C. Sethna; Mr. G. S. Curtis.*]

bring in amendments to some sections of the Rent Acts. These amendments were brought in by a bill, the first reading of which we passed three days ago without, I was glad to find, a single dissentient. I myself was quite in accord with those amendments, but, sir, I think in the light of the experience we have gained, perhaps some more amendments are necessary, and the more so because it is likely that the Rent Acts will continue for perhaps a fairly long time. Some days ago there was published a Reuter's telegram dated London, July 18th, which ran as follows:—

> "An order in Council states, in order to remove misapprehension, that the date of termination of the war with Germany was January 10th, but that the termination of the war as a whole will be when the last peace treaties have been signed and ratified."

Now, even if all the remaining peace treaties are signed and ratified to-morrow, I am afraid we shall be compelled to keep these acts in force not only for the full period of two years thereafter as provided in the acts but perhaps by special legislation extend them for a longer period, until the house shortage in Bombay is removed by the operations of the development scheme which His Excellency propounded three days ago. In the United Kingdom, where also there exist Rent Restriction Acts, a committee was appointed in February of this year for the purpose of considering whether it was necessary to take any steps, and if so what steps, to extend, continue or amend these acts. This committee after taking oral evidence of representative witnesses as also written evidence of representative bodies came to the unanimous conclusion that in their opinion the protection afforded by the Rent Restriction Acts against the eviction of tenants or unreasonable increase of rents, should not be allowed to lapse at the time the present acts expire. In the opinion of that committee it was thought that the emergency would perhaps continue for another three years and their recommendations were made for that period. Following, sir, the amendments which Government have introduced by a bill, the first reading of which we passed three days ago, I think, Government would do well to propose further amendments in the light of the experience we have gained by the working of these acts for now nearly two and a half years, or if Government are so disposed, they may appoint a small committee with power to take the evidence of those who are qualified to speak on the subject and ask such committee to submit its recommendations for further amendments, if any.

The Honourable Mr. G. S. Curtis:—Sir,—I think perhaps it will save time if I say that, as the Council is already aware, two amendments are before them. They are amendments based on experience. As regards the particular question of policy raised by the honourable mover, Government have no objection whatever to appoint a committee. I understand the questions of policy which he wishes to raise are in particular the term of the act, that is, the number of years it should be kept in force, and under what conditions. Government have no objection to appoint a committee.

The Honourable Mr. Phiroze C. Sethna:—No, sir. I am not dealing just with the term of the acts. I know, sir, that conditions are such that the term of the acts will have to be extended, but I should like to give the Council some idea as to the directions in which I would recommend the amendments. It is admitted, Mr. President, that the acts which we have passed have helped the tenants as far as possible. That they have done so there is no question. But I do not think the same thing can be said in regard to the landlords. If in the beginning some landlords were perhaps very greedy, the sins of a few have been visited on the class as a whole. I do not deny, sir, that the tenants deserve every sympathy and consideration. It has been extended to them in full measure and when further amendments, such as the two amendments which the Honourable Member in Charge just now referred to, are brought forward, they too will be accepted, probably again without a single dissentient. But, sir, I would like to ask Government to look at the question also from the landlord's point of view. At the time we passed the act we gave the landlord an increase of 10 per cent. on the rent which he was receiving on 1st January 1916. That was a fair percentage of increase when the act was passed on the previous normal rate of increase. Since then, however, circumstances have greatly altered. The costs of repairs have increased; higher wages have to be paid to the men they employ to look after their property; and the insurance premium is now double what it was before, for the reason that a building which was worth say one lakh before is now worth perhaps two lakhs or more owing to the higher value of materials. Therefore, sir, the percentage of increase allowed to the landlords for determining standard rent should be reconsidered. In their report which was published on the 30th March last by the committee in February last in the United Kingdom which I referred to, they observe

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[*Mr. Phiroze C. Sethna; the Vice-President.*] [6TH AUGUST 1920.]

that the increase in the cost of repairs in England is about two and a half times what it was when the act was passed. From the landlord's point of view it is time that the 10 per cent. allowed in Bombay should now be reconsidered and increased.

Next, Mr. President, a serious grievance with the landlords is that even their monthly tenants are profiteering to their heart's content. They sublet the premises they occupy at a very much higher rent than what they are paying to the landlord. But I think, sir, the landlords ought to be safeguarded against this, and the tenants not allowed to profiteer when the act is so down upon the landlords themselves. The act, sir, prevents the landlord from charging more to the tenants than the standard rent, but it turns out that in many cases it is the tenant who is profiteering and becoming opulent. If a man has a shop or an office for which he paid Rs. 500 before the act was passed, then as a result of the act he is now paying Rs. 550 as the standard rent, but it not infrequently happens on account of the heavy demand which exists that he lets a portion of his shop or officce, not the whole, for, say, Rs. 1,000. Not only therefore, in such cases, does he sit rent free but in addition he is also Rs. 450 to the good every month. That, sir, is a position from which the landlord ought to be relieved. In such cases I would say, sir, ...

The Honourable the Vice-President (Sir G. Carmichael):—I would ask the honourable member to suggest the heads on which he thinks some amendment is necessary, without discussing the actual proposal. I think it would be better if he does this in view of the shortness of time which is at the disposal of this Council now.

The Honourable Mr. Phiroze C. Sethna:—I wish to give a general idea of what might be done. I do not suppose I will speak for more than another five or seven minutes. As I say, in such cases the tenant ought to be made to surrender that portion of his premises which he does not want to keep himself and the landlord should be allowed to sublet instead of the tenant. The act contemplates that the landlord will not receive and the tenant not pay more than the standard rent. It is a matter of every day experience and of common knowledge, that " pugree " as it is called here or " key-money " as it is called in England is freely paid and received, and yet scarcely any claims have come before the courts for the repayment of " pugree " amounts as can be done under the acts. Therefore, if we do not hear of cases of " pugree " coming before the courts, it proves that those who pay such " pugree " are *bonâ fide* in need of the premises they are renting in respect of which they are paying the " pugree " amounts, but such " pugrees " are paid more by sub-tenants to tenants than by tenants to landlords. In trying to clip the wings of the landlord we have unconsciously helped the tenant to profiteer. I know very well, Mr. President, that a tenant has a right to sublet under the Transfer of Property Act provided there is no express stipulation to the contrary. But we can get over this and help the landlord by laying down that if a tenant sublets without the permission of the landlord such tenant should not have the right of ejecting the sub-tenant and further that the sub-tenant in such cases should not be given the protection of section 9 of the act.

I may be allowed to quote a recent case in the High Court of Bombay. A firm of lawyers arranged to enter into a lease of their office premises for a period of three years commencing 1st January 1918. The lease had not been executed when the Rent Acts were passed and came into force on 10th April 1918. The landlord insisted on the lease being executed and this was done in July 1918. After executing the lease, the tenants took advantage of the Rent Act, and paid only the standard rent, namely, Rs. 275, although the lease stipulated that the rent was to be Rs. 400. Thereafter, the landlord was given notice by his own landlord to vacate his office in Church Gate street because the building was to be pulled down for the improvement of the road. The tenant, namely, the landlord of the lawyers' firm, in his turn, gave notice to his tenants, the firm of lawyers, to let him have the premises, as he wanted them for his own occupation. He could claim this under the Rent Act, and yet the court held that because there was a lease, the tenant could not be removed, and this in spite of the fact that the tenant was not paying the rent stipulated in the lease. That is a positive hardship, and it can be removed, if it is provided by the act that should any lease be executed after the Rent Act was passed, and the tenants endeavour to take advantage of the standard rent, then such act should on their part be deemed to amount to a forfeiture of the lease.

Then again, sir, the definition of a tenant in the act includes a rent farmer. Surely, the act does not contemplate that the rent collector should be benefited in any way. Even if he has no agreement for any fixed period, and he only collects the rents, he claims the same privileges as an ordinary tenant, and the courts allow him to claim it. I think that it was always intended that the act was for the benefit of those who needed residences or places of business such as offices and shops, and therefore, I contend that the benefit

RENT ACTS—TRANSFER OF BOMBAY IMPROVEMENT TRUST.

[6TH AUGUST 1920.] [*Mr. Phiroze C. Sethna; Mr. G. S. Curtis; Rao Saheb H. D. Desai; the Vice-President; Mr. C. V. Mehta.*]

of the act should not be extended to the rent collector, and it is necessary to exclude him from the definition of a tenant. Since the sessions of this Council commenced, another interesting case under the Rent Act has been decided and particulars of which are to be found in the *Times of India* of only two days ago (4th August). The Hongkong and Shanghai Banking Corporation purchased a house for their employees near the bandstand on the Cooperage in Bombay. There were eight tenants in the premises. On the bank giving them notice, six of the tenants vacated. Two others claimed that they could not be turned out, and consequently a suit for ejectment against these tenants had to be filed. On behalf of the bank, as the landlord, it was urged that under section 9 of the act, because the premises were wanted for their own purposes, for the use of persons in their employ, the tenants should be made to go. On behalf of the tenants it was urged that the words " or some other person in his employ ", which are the exact words used in the English act, are not used in the Bombay act. I would like to point out to the Council that this very point was raised in the select committee, and I observed that if for example the Honourable Sir Dinshaw Petit, who was another member of the select committee, wanted a tenant to vacate in order to enable him to give the premises to his own mill-manager, this should be construed to mean that he wanted the premises for his own purpose, and it was explained to us in select committee that that would be the interpretation, when we allowed the section to remain as it is. Now, sir, in the High Court judgment in this case it was held that the bank could not be said to want the premises for their own purpose. If the other tenants had persisted in the same fashion, they also would have been allowed by the court to remain in the premises.

These are some of the defects of the act which now require to be looked into, after our experience of them of the last two and a half years. I would like Government to appoint a committee, which would lay its recommendations before Government, and Government may then introduce necessary amendments. My resolution is only a recommendation to Government for the appointment of a committee to go into the matter or for Government themselves to take action. I do not stand here as an advocate for the landlords. I hold no brief for them. I was out and out in favour of the Rent Acts when passed, and I am still of the same opinion, with the idea of helping the tenants as best as possible. But, sir, if in trying to help them, we are doing any injustice to the landlords, it is our duty as legislators to see that such injustice is removed.

The Honourable Mr. G. S. Curtis:—Mr. President,—I am extremely pleased to promise that the points which the Honourable Mr. Sethna has mentioned will be referred to a committee. But I cannot help saying that the matter might have been boiled down by shorter comments. I trust the honourable member will be satisfied with that assurance.

The Honourable Rao Saheb H. D. Desai:—Are the points to be referred to the select committee on the Rent Bill, or is it going to be a separate committee?

The Honourable the Vice-President (Sir G. Carmichael):—It will be a separate committee appointed for the purpose.

The resolution was put to the vote and carried.

The Honourable the Vice-President (Sir G. Carmichael):—Resolution No. 12. The Honourable Mr. C. V. Mehta.

"This Council recommends to His Excellency the Governor in Council that the transfer of the Bombay Improvement Trust to the Bombay Municipal Corporation be completed without delay."

The Honourable Mr. C. V. Mehta:—Mr. President,—There is considerable feeling on this matter in the corporation, and I should be compelled to go into details and facts to show how much justification there is for this resolution. But, as I understand that Government are disposed to accept this resolution, I will content myself with only moving it.

The Honourable Mr. G. S. Curtis:—In connection with this matter, Mr. President, I would refer the honourable member to the speech made by His Excellency two days ago.

The Honourable Mr. C. V. Mehta:—Is Government prepared to accept the resolution?

The Honourable Mr. G. S. Curtis:—Mr. President,—Two days ago, His Excellency announced that the bill for the transfer is almost ready, and it will be placed before this Council in March. This is a practical acceptance of this resolution. I have repeated what

TRANSFER OF BOMBAY IMPROVEMENT TRUST—SLAUGHTER OF CATTLE—RECRUITMENT OF MAMLATDARS.

[*Mr. G. S. Curtis; Mr. C. V. Mehta; the Vice-President; Mr. Munmohandass Ramji; Mr. S. B. Upasani.*] [6TH AUGUST 1920.]

His Excellency said that there were difficulties with regard to drafting, and that the bill will not be ready before March.

The Honourable Mr. C. V. Mehta:—I understand the honourable member to say that if the resolution is altered to read "not later than March", that will meet his wishes.

The Honourable the Vice-President (Sir G. Carmichael): —I do not think it worth while making any amendment.

The resolution was put to the vote and carried.

The Honourable the Vice-President (Sir G. Carmichael): -Resolution No. 13. The Honourable Mr. Munmohundass.

"This Council recommends to His Excellency the Governor in Council to take steps to prohibit the slaughter of young and useful milch and agricultural cattel in the Presidency with a view to save a useful economic and agricultural asset of the Presidency."

The Honourable Mr. Munmohundass Ramji—Mr. President,—I beg to ask for permission to postpone this resolution to the September session of the Council. In a question which I had put to Government, I asked for certain information, and it has not been furnished to me yet.

The resolution was by leave postponed.

The Honourable the Vice-President (Sir G. Carmichael): —Resolution No. 16. The Honourable Mr. Upasani.

"This Council recommends to His Excellency the Governor in Council that appointments to mamlatdars' posts be made by direct recruitment from graduates and not members of the subordinate revenue service."

The Honourable Mr. S. B. Upasani:—Mr. President,—I propose to move this resolution in the interests of the efficiency of the executive branch of the provincial service. The Council is aware that so far back as 1878, earnest efforts were made to improve this service and to make it more efficient by limiting its recruitment to graduates so far as possible. That was done under the rules issued in the time of Sir Richard Temple. With a view to prevent any hardship to persons who were already in the service, two years were allowed to them to qualify themselves for mamlats by passing the lower and higher standard examinations prescribed for graduate candidates. The graduates were required to pass the lower standard examination within 18 months from the date of joining the service and the higher standard examination within six months more, and then they were to be held qualified for mamlatdars' posts which were reserved for them. If these rules had been worked strictly this service would long ago have been wholly manned by graduates. But shortly after Sir Richard Temple left the rules were relaxed in favour of old hands who were in the department, and one-third of the mamlatdars' appointments were reserved for them. That was in 1885. In 1904, a further relaxation was made in their favour and half the posts were reserved for non-graduates. Under the operation of these rules half the appointments were taken away from graduates, and more subsequently, when appointments to deputy collectors' posts came to be made by direct recruitment, the graduates who had entered the service found their promotion doubly blocked. As a matter of fact, if you go through the list of mamlatdars, you will find that several of them have stagnated far too long, and that many of them, although in service for over 20 years, have not succeeded in getting promotion to a deputy collector's place. So far back as 1903, Government itself proposed that the mamlatdars' service should be made part of the provincial service. That proposal was not immediately accepted, but more subsequently this service has been included in the provincial service. That being the case and in view of the fact that in the near future a larger number of appointments held by I.C.S. officers will be thrown open to the provincial service, it is desirable that this service should be improved by better recruitment at its very base. It is not possible to do it under present conditions. Under the rules, as they stand at present, a graduate, if he goes in, has to start on a low salary of Rs. 30, and then, after he passes the required qualifying examinations, he gets only Rs. 35 or Rs. 40, and takes eight to ten years or even more to get a mamlat. In these circumstances, it is not possible to attract the right type of men, and the efficiency of the service has in consequence suffered. That being the case, it is desirable that this recruitment should be on the lines laid down in the rules of

RECRUITMENT OF MAMLATDARS.

[6TH AUGUST 1920.] [*Mr. S. B. Upasani; Mr. G. S. Curtis.*]

1878, so as to allow the graduates who may enter the service, a chance of getting a mamlat within a reasonable time, say three or four years at the outside. Further it is necessary that the starting pay should also be reasonable enough to attract the right type of men. For the judicial branch of the provincial service, the rules are far more liberal, and Government themselves have recognized that the mamlatdar's service is as important as that of the sub-judges. They have observed that the mamlatdars are the most useful, honourable, and responsible body of public servants, with duties far larger in volume, infinitely more varied in character, with far higher responsibilities and far wider opportunities for doing good or evil than even sub-judges of the second class. That being the case, it is but desirable that we should make the conditions of service in this branch as attractive as those for the sub-judge's line. For the latter service it is expressly provided by statute that only LL.B.'s or those who have passed the High Court Pleaders' Examination will be held eligible. The same educational and legal qualification should be strictly insisted on for those who may wish to join the executive branch. The mamlatdars have to discharge important judicial functions as magistrates, not only of third class and second class but of first class, and also to do civil work of an important nature. That being the case, it is in every way desirable that we must recruit for this service men with sufficient legal knowledge preferably LL.B.'s. Even in the police service it has been found possible to attract men of this type, and it would be more desirable to offer the same inducements, if not more, for those who are to be recruited for this branch. This is a very opportune time for instituting this reform inasmuch as under the new revision there will be sufficient provision for promotion up to Rs. 250 for the lower subordinates. If my resolution is, therefore, accepted it will improve this important branch of service so far as future recruitment is concerned. With these remarks I place the resolution before the Council.

The Honourable Mr. G. S. Curtis:—Mr. Chairman,—I confess I have found considerable difficulty in following the trend of the honourable member's remarks, and I am not quite sure what arguments I have to meet.

The present arrangements which are the result of a good many years' experience provide for double recruitment: partly from graduates and partly from men who spend their early years on the lower rungs of the ladder of revenue service, and who by dint of hard work and merit manage to rise to higher posts. The honourable member has justified his proposals I think,—I had great difficulty in hearing what he said, I always have,—by stating that the present starting pay of a graduate is the small sum of Rs. 30 a month and that a graduate, of a good class, who has taken a satisfactory degree, could hardly be expected to join Government service on a salary of this amount. The honourable member is not correct in his figures. According to the new scale, the starting pay admissible to graduates is not less than Rs. 70 a month, and it seems to me that that pay ought to be sufficient to attract graduates of a good class. It must be remembered that from the date of their joining Government service, their services count for pension, and I think it is probable that the starting pay of the mamlatdars will be very considerably improved and their prospects very much brightened.

We have, now, to consider what the consequences would be if we accept this resolution. Members of this Council will realize the utter stagnation that will follow in the subordinate revenue service. If you shut off from these people all chances of rising to a post of responsibility and greater emoluments, it is perfectly obvious that there will be no incentive to them to display their energies, or shall I say higher powers? A mere reference to the number of mamlatdars in the Civil List will show that the two classes of mamlatdars are on the whole very satisfactorily placed. I speak from my experience—I was a Collector and Commissioner—and I think on the whole the best arrangement seems to be a mixture of the two classes: those who spring from the bottom and rise to the post of mamlatdars, and those who have got university degrees from the top. Under the present arrangements they supplement each other's deficiencies, one giving the benefit of his experience and the other of his knowledge. That, I think, is a very good arrangement, and I see no reason why it should be disturbed. I am aware that the honourable gentleman has had a long and distinguished career in the judicial service. But I am sure he is not aware of the working of that rather wonderful machine, the taluka kacheri. And until he has—I had it—I do not think that he should come to this Council and propose that an arrangement, which has been the result of many years' experience, and moreover found by experience to work satisfactorily, should be disturbed. Therefore, I would ask the Council to reject the resolution.

RECRUITMENT OF MAMLATDARS—REVISION OF PRE-WAR PENSIONS.

[*Mr. S. B. Upasani; the Vice-President; Rao Bahadur S. D. Garud.*] [6TH AUGUST 1920.]

The Honourable Mr. S. B. Upasani:—Sir,—It is owing to the complaints that I hear from those who have already joined the subordinate revenue service as candidates for mamlat and who now regret their having joined it at all, that I have ventured to bring this resolution before the Council. Graduates who have been in the service for many years and have not yet got a mamlat have reason to be dissatisfied as also those who have not got their due promotion to deputy collectors' posts even after more than 20 years' service, and these feel humiliated when they find their juniors who hold the same educational qualifications promoted over their heads, and particularly when young men without their experience selected and given deputy collectors' posts by direct recruitment. All this discontent will be avoided if recruitment for the mamlatdar's service itself is made directly from graduates who possess distinguished educational qualifications, and promotions to deputy collectors' posts made from among them after they have sufficiently long administrative experience. At present there are in mamlatdar's grade graduates and non-graduates who have been there for 20 years or more, and it is rather hard that they should not have chances of promotion to a higher grade and that young men should directly be recruited for the deputy collectors' posts. This has produced dissatisfaction and discontent. Under the present rules Government expect that a graduate should be prepared to start on Rs. 30 and to serve for 10 years on Rs. 40 to Rs. 45. Would it be possible to get the right type of graduate for the mamlatdar's grade under these conditions, and especially when even after that period, in many cases, he gets no promotion for many years? A glance over the several grades of mamlatdars will show that there are far more supersessions among them than in the sub-judges' line, and that they have been kept far too long in the mamladar's grade without due promotion. Now, 60 per cent. of deputy collectors are recruited from the mamlatdar's line. If that is the case, is it not desirable that mamlatdars' service itself should be recruited from those who possess the qualifications which are insisted upon for those who are directly recruited to the deputy collectors line? If you improve this service, the higher service will improve automatically. Otherwise both branches will be inefficient and there will be just cause for discontent for those who fail to get due promotion. Even now men with much lower calibre and of much less capacity, are promoted to deputy collectors' posts in preference to seniors with equal or better qualification, and this is hardly in the best interests of the service. During the last few years the mamlatdar's line has ceased to attract graduates and the lower grades are filled by non-graduates who have no university qualification at all. Every year the work is more exacting and more elaborate, and it is but desirable that a high preliminary qualification should be insisted upon to make the service efficient. A large number of graduates are turned out by the university every year, and I do not think Government will find any difficulty to introduce this reform which I propose in my resolution. With these few remarks I place the resolution before the Council.

The Honourable the Vice-President (Sir G. Carmichael):—Before I put this resolution to the Council, I have to make one remark, and it is this, that the three members of Government who are present here are none of them graduates (laughter), and personally are not very strongly in favour of the motion.

The resolution was then put to vote and lost.

The Honourable the Vice-President (Sir G. Carmichael):—Resolution No. 20. The Honourable Rao Bahadur S. D. Garud.

"This Council recommends to His Excellency the Governor in Council that a Committee be appointed to consider the question of the revision of pre-war pensions of the retired members of the provincial and subordinate services."

The Honourable Rao Bahadur S. D. Garud:—Mr. Chairman,—Early in the war Government realized that the old rates of pay for their subordinate servants would not go very far, and therefore they gave them war allowances and promised that those war allowances would be turned into substantive rates of pay. Soon afterwards the revision of their pay was taken up. But the Council will, I hope, see that this revision was necessitated by the rising prices of food. It might be said that in the case of pensioners Government would not be able to afford the large outlay which may be needed. But the Council will, I hope, remember that the rates of pay of the subordinate service were raised and revised not because Government could afford the money but because it was absolutely necessary to keep them going. The pensioners who have served Government faithfully and loyally for 30 years are the persons who are now very hard-hit. They have spent the best part of their life in serving Government, and now at the age when they are able to do nothing more to help themselves, they deserve all the sympathy that can be extended

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to them. When Government loan out the services of their servants to local boards and municipalities, their pension contribution is fixed and recovered from those bodies. It is a certain proportion of the pay which the employees receive from those bodies.

The Honourable the Vice-President (Sir G. Carmichael):—The honourable member seems to be under a misapprehension about the pensioners contributing to their pension fund. They get their pay without any deduction to the contribution of pension fund.

The Honourable Rao Bahadur S. D. Garud:—I do not say, sir, that Government lay aside an actual contribution for their servants, but I submit that when Government loan out the services of their subordinates, they take from those bodies to whom such services are lent, a contribution towards their pension.

The Honourable the Vice-President (Sir G. Carmichael): –This seems to be rather irrelevant to the actual case before us.

The Honourable Rao Bahadur S. D. Garud:—Well, I will not press that point further. I will only say that the pension contribution which accumulates in this manner is also not wholly spent upon the pensioners so loaned out, and considering the same analogy we might say that the pension contribution which would at that rate accumulate for the members who are actually in the service of Government would certainly be a very considerable sum and would be quite enough to cover the necessities of the few pensioners who survive after the age of 55 years. There is a very small percentage of Government servants who long survive that age. It would, therefore, be no hardship to provincial revenues to keep the survivors in good condition. The case for the revision of pensions is very strong in view of the high prices, and I hope it will commend itself to the Council.

The Honourable Mr. R. P. Paranjpye:—Mr. President,—I have great pleasure in supporting this resolution, because I feel that the lot of pensioners is one that should certainly commend itself to this Council. Pensioners are people who are no longer able to work any more. Government give them the pensions sanctioned according to their old scale, and now when the prices have increased the pensioners have to spend far more than what they get as their pension for their subsistence. It is, I think, one of the most heartless effects of these high prices. Their cries have been heard in the newspapers and these cries are certainly justified. The cost of living has more than doubled but the amount of their pensions measured in rupees remains the same. If a person can eat silver rupees and digest it, then the amount that they got before may be sufficient. But silver cannot be changed into the same amount of food and clothing as before. I think whatever the difficulties of Government may be they are bound in honour to see that their old servants are not kept in a state of semi-starvation. We always hear of the cruel master who turns away his horse after it is no longer able to work, but, I hope, Government is better than such cruel masters, and I hope the Council will accept this resolution.

The Honourable Rao Saheb H. D. Desai:—Sir,—I am sorry I feel inclined to oppose this resolution. I do not believe the position that if a Government servant retires at 55 and earns his pension, that he is solely to rely upon the pension and not to do anything else in order to supplement it. Government officers after they retire from active work suffer from want of active work and die early, and those who take to other work and supplement their income and keep up their energy fare well generally both in point of health and resources, and I certainly do not subscribe to the view that an officer after retiring from service should do nothing and court an early death by inactivity. He should employ himself in some work to supplement his resources. Of course we have the European method of not maintaining a horse after he has become old. I really do not see, therefore, that Government should take pity on these pensioners.

The only ground on which the resolution will be defensible is that if Government take into consideration the question of the revision of the pensions of the higher services and do not take into consideration the revision of pensions of the provincial and other services, then there is some case for them. But I do not think it would be proper to ask this Council to invite an additional burden upon our resources which are at present already overburdened.

The Honourable Dewan Bahadur K. R. Godbole:—Mr. President,—As an old pensioner of Government it would be my duty and not that of the Honourable Rao Bahadur Garud to bring the sad tale of the pensioners before this Council. But as selfish motives would have been imputed to me I refrained from taking the initiative. I am

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glad that my honourable friend Rao Bahadur Garud has brought the present proposition before the Council, and I accord my hearty support to it.

The position that has been enunciated by the Honourable Rao Saheb Harilal Desai that old pensioners who are incapable of doing any work should be shot like old horses is not a position that would commend itself to this Council. What he says is that old servants of Government after they are unfitted for Government service and after they retire should earn additional income and make both ends meet. In the case of those who are incapable of doing work on account of infirmity his remedy is very drastic. He says such old men must die.

Taken seriously this is a question which deserves consideration at the hands of Government. There is a moral obligation on Government to see that its old servants get a living allowance from the pensions that are given to them. An old peon puts in a service of 34 years and after the end of this service he gets a pension of Rs. 4 a month. I am talking of pensioners who took pension in 1900. According to the prices ruling in those days Rs. 4 a month were quite sufficient to keep a man alive. His bajri bread and a small room in which he could live could be procured for Rs. 4 a month. What is the state of things now? It costs him upon the lowest calculation Rs. 12 a month to keep body and soul together. Now, I ask this Council to consider whether it is not the duty of Government to treat these old pensioners of theirs in an adequate manner and to give them sufficient pittance to enable them to live. It is the duty of the state to see that its old servants are treated in a just manner. Any commercial house in Bombay would do so, and I do not see why Government should not do likewise.

As my honourable friend Rao Bahadur Garud has explained to the Council, in the case of the present servants of Government, 35 per cent. and 40 per cent. have been added to their salaries because prices have gone up generally. If Government will not take high prices into consideration in dealing with pensioners who are earning small pensions of Rs. 5 and Rs. 10, they will be shirking their moral obligation.

Coming to the case of big pensioners like myself, what do we find? When I retired from Government service in 1903, I made calculations for myself as to the cost of living after retirement. I said to myself that I could get a bungalow in Poona for Rs. 50 a month and keep a carriage and servants. I calculated the cost of these to be Rs. 150 per month. But what do I find now. Instead of Rs. 50, if I hire a bungalow I will have to pay at least Rs. 250 a month. For two servants, for whom I estimated in those days Rs. 18 a month, I have to pay Rs. 40 per month, and my carriage is going to cost me Rs. 100, in place of my estimate of Rs. 50. The Council will thus see that on account of great rise of prices the life of pensioners is becoming unbearable and in the case of small pensioners life has become almost impossible. I know several cases of pensioners drawing Rs. 10 and Rs. 15 as pensions who have to go and beg of their rich relations to give them doles from time to time in order to keep themselves and their families in food and the necessary amount of clothing. Many a pensioned schoolmaster has come to me to ask for notes of introduction to the Honourable Principal Paranjpye and other principals, because he is unable to provide the school and college fees for his school-going children out of the small pension that he gets. They want certificates from me and notes of recommendation to get their children admitted free into schools and colleges. Their state is pitiable in the extreme.

I am told that in the midst of the great war the case of some high officers of Government who had retired during the previous three years was considered by Government and they were given additional pensions on account of increased cost of living. Now just fancy Government taking up the case of pensioners drawing more than Rs. 5,000 a year and giving them extra pensions on account of the increased cost of living.

The resolution before the Council deals with the case of smaller pensioners including peons, clerks and schoolmasters drawing Rs. 10 and Rs. 15 and in some cases even Rs. 4 per month as pensions. I think it will be a very wrong attitude for Government to take if they were not to consider the case of these poor old servants of theirs.

The moral obligation rests on the Government especially in the case of petty pensioners. Government must give them at least a living allowance which in these days comes to about Rs. 12 per month. With these remarks I heartily support the resolution that has been put forth by the Honourable Rao Bahadur Garud.

The Honourable Mr. G. K. Parekh :—Sir,—I think that the resolution ought not to be accepted. Duty always takes precedence over charity, and we have a large number of duties under the reformed Government which would entail a considerable amount of

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expenditure. It is all very well to plead for charity, but at the same time we ought to bear in mind that here is a proposal which would make a very indefinite call upon the purse of Government, and I am afraid possibly prevent us from carrying on some of the reforms which we expect the reformed Government shall have to take in hand. I, therefore, think that it is a matter in which we have no right whatever to hamper the new Government by putting burdens upon the Government purse at a time when we really do not know what the amount of the burden is or what we have to expend in carrying out large reforms which the country has to undertake. My honourable friends probably do not see the difference between people who are actually employed in Government service and those who have actually retired. The great difference is that so far as the servants at present employed in Government service are concerned, it is the duty of Government to keep them above want, contented, and for that purpose it is necessary that they should be adequately paid, but in the case of the servants who have retired, where the administrative Government derives no benefit from them, I think we must be very cautious before incurring very heavy expenditure in helping them.

The Honourable Mr. C. V. Mehta:—Mr. President,—I am afraid I cannot accept the principle that is attempted to be laid down by the Honourable Mr. Gokuldas Parekh. It seems to me, sir, that there is really no difference between a servant who is serving you now and one who has retired or has been made to retire on reaching the age of 55 years after putting in a long and faithful service with Government. The principle to my mind, sir, is exactly the same. Before we take up any new functions it is our duty to see that our servants are properly treated and are adequately paid, and it seems to me that the mere accident of a servant having retired in the past should not disentitle him from consideration at the hands of his masters. The whole object of our pensions is that the man in the evening of his life shall have something to fall back upon, something to keep him in easy circumstances, and it seems to me, sir, that when an extraordinary rise in prices occurs some kind of consideration must be given to circumstances which could not possibly have been foreseen when the pensions were fixed. The present proposal is a very modest one. It merely asks Government that a committee be appointed to consider whether such a thing could be done, and whether it would not be within the range of practical politics. I think, sir, that on that ground on such a modest recommendation there need not be any opposition on general principles. Let a committee go into the whole matter fully and if they are able to make out a case which will satisfy us, then no doubt the Council will accept it.

The Honourable the Vice-President (Sir G. Carmichael):—I wish to refer to a small point which arises with regard to the observation made by the honourable mover as to pension contributions. I should like to make it clear that Government do not keep an account of pension contributions while their officers are in their own service. When a local body or what is technically called a "foreign employer" asks for the services of a Government officer, it is but right that the local body or foreign employer should pay towards the cost of the pension for the officer who would be serving under them for some time. In that case a pension contribution is taken from the other employer as a condition on which the services of the officer are lent. Apart from this, there are no contributions towards the payment of pensions. Pensions come entirely out of the general revenues. They cost at present, at least the budget for next year is for Rs. 46,21,000, and under the present arrangement we pay for pensions of those who receive their pensions from the treasuries under the Bombay Government, *i.e.*, under the Accountant General in Bombay. They include pensioners of the Government of India and of other Governments, and if we were to increase these pensions now, we should be paying for the pensions which will under the new Reforms Scheme be payable entirely by the Government of India and other Governments. Under the new arrangement each Government will be responsible for the pensions on account of its past employees only. I think every one will agree that the case of Government pensioners, particularly small pensioners, in the face of the very rapid rise in the cost of living which has taken place in the last three or four years, is a very hard one and everyone would like to be able to do something if one could. But it is not quite right, in my opinion, to distinguish between Government pensioners in this matter and other old persons who are living on fixed incomes. Their claims are equally strong and deserving. They probably have rendered efficient service to the state in their own line and if we have to provide for Government pensioners, it seems to me we should provide equally for other persons in the same position. Government have received from time to time in the last two or three years applications from officers asking for an increase to their pensions on the ground of the high cost of living, and latterly, I think, we have received

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an application from an association on the same ground. Government have considered these applications and they decided that they could not take any action upon them for various reasons. The first reason was that the pensioner usually retires at the age of 55 or less and he is a perfectly free man when he takes his pension, and can take up any employment to supplement his income, and he is very often able to find some employment. There is nothing to prevent him from taking up some new work. The second reason was that the increase in the pension would involve a very heavy charge on our finances. I entirely agree with what has fallen from the Honourable Mr. Gokuldas on this question. At present we are paying, as I said, Rs. 46,21,000 in pensions. A very small percentage on that would bring a very big bill and a bill coming at a time when we are finding it very difficult to provide for the establishments at present employed by us. In discussing the budget I mentioned the fact of the very heavy charges which the improvement in the scale of pay of the establishments under all departments of Government was involving on provincial finances, and it seemed to Government that it was very necessary, first of all, before holding out any hope that we could do anything for our pensioners, to concentrate on providing a sufficient pay for the staff at present doing work for Government. That is the first consideration, and until that matter has been dealt with and funds have been provided, it is quite impossible to consider the question of increasing the pensions of those who have already retired.

The Honourable Mr. Chunilal Mehta said that it is, after all, a very simple resolution and that it merely asks for a committee to advise. It is true that the resolution recommends the appointment of a committee, but they will have to go into the whole question and, I presume, to make recommendations to Government on the subject. The difficulty about this is that if you appoint a committee in a matter of this kind, it inevitably gives rise to hopes in the minds of the pensioners that something will be done for them. Now, I think it would be quite wrong and also unfortunate at this stage, in view of the approaching change of Government and of the heavy demands for funds which will be made on Government and on the provincial finances by Ministers on the one hand and Members of Council on the other hand, for the proper administration of Government, if we were to hold out any such hopes. We should not, in my opinion, do anything to raise or to create any hope in them until it is quite clear that we shall be able to afford the necessary funds. With these remarks I venture to express the hope that this Council will not approve of the resolution.

The Honourable Rao Bahadur S. D. Garud :—Sir,—If I had merely to convince the Honourable Rao Saheb Desai, I would say that this resolution should commend itself to him since we cannot shoot our pensioners; because the easiest way of killing them is to put no temptation in their way to supplement their pension by additional work, and thus to keep themselves fit and to live to a great age to burden the provincial revenues. The best way to induce them to lead inactive lives and to die off soon is to increase their pensions. But the matter, sir, deserves more serious consideration at the hands of the Council.

It is a surprise to me that there should be any opposition to this resolution from my old friend the Honourable Mr. Gokuldas Parekh on the ground that the reforms are coming and that they will require all the funds at our disposal. Well, sir, if we cannot first look after our old servants and our present servants, if we cannot even feed them properly or provide them with a living wage, simply because the reforms are coming, then, the reforms can very well wait. It is not right to tell our starving pensioners and servants that we cannot help them because the political reforms are coming and they will need all the money. It is like telling a hungry man to keep a fine garden to develop his æsthetic sense.

Well, sir, I was not saying, as you pointed out, that Government maintain a pension account. What I did say was that if Government did maintain a pension account, they would find that they were making a very large saving in that account, and what the present Government savings.....

The Honourable the Vice-President (Sir G. Carmichael) :—I should be delighted if the honourable member would explain how a saving is made or could be made. It would facilitate our financial problem very much if the honourable member can suggest a way.

The Honourable Rao Bahadur S. D. Garud :—If a calculation were made on the basis of the pension contribution we charge to local bodies for the services of our servants, and if we set aside the amount which we would have to pay as pension contribution at that rate for our present staff, it will be found that we are making a large saving, because the average life in India is very short. After they reach the age of 55 the average expectation of life

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in this country is very short indeed, so that the time for which we have actually to maintain a pensioner is also very short. Considering it from this point of view, if we made a calculation—a hypothetical calculation—and calculated the cost of pension of our present establishments we would find, sir, that there is a large saving. All these things would, however, be examined at length if we appointed a committee, and that is why I have come up to Government with a request to appoint a committee to examine this question. We shall examine it from this point of view or from any other point of view that suggests itself, and we shall be able to ascertain what the charges are. My first submission is that whatever the charge, it must be met, because it is a question of keeping our old servants, who have put in approved service, in good condition in the evening of their life, and that, I think, should be the first charge on our revenues. These things can be definitely ascertained and examined in a committee. It will not be possible to take the whole Council into these figures, and it will not be possible for the Council to pronounce a verdict upon these very important matters. What the Council can say at this stage is whether we shall or shall not give anything to our pensioners, whether we shall merely give them excuses and excuse ourselves from doing one of our most important duties, whether we shall tell them that we are now contemplating reforms, that a new scheme is going to come into operation, and that they had better not place their needs before us, because our needs are greater. I submit that this is the point of view from which this Council has to consider the question, and if they come to the conclusion that these pensioners should be helped, and we owe a duty to them in that respect, then their obvious duty would be to pass this resolution, and to ask a committee to examine the whole situation. I commend it to the Council for its acceptance, with the hope that honourable members will show their approval of this resolution and the policy contained in it.

The Honourable the Vice-President (Sir G. Carmichael):—I am rather disappointed to find that the saving which the honourable member suggested we could make is merely a hypothetical saving.

The resolution was put to the vote and lost, 16 voting for and 17 against. The Council divided as follows:—

AYES.	NOES.
The Honourable Mr. Dattatraya Venkatesh Belvi, LL.B.	The Honourable Sir George Carmichael, K.C.S.I., I.C.S., *Vice-President.*
The Honourable Mr. Ali Gohar Bhutto, son of Ghulam Murtaza, Bar.-at-Law.	The Honourable Mr. G. S. Curtis, C.S.I., I.C.S.
The Honourable Mr. R. E. Enthoven, C.I.E., I.C.S.	The Honourable Sir Ibrahim Rahimtoola, Kt., C.I.E.
The Honourable Major C. Fernandes, M.D., F.C.P.S., I.M.S.	The Honourable Mr. J. G. Covernton, C.I.E.
The Honourable Rao Bahadur Siddhanath Dhonddev Garud.	The Honourable Rao Saheb Harilal Desaibhai Desai, LL.B.
The Honourable Dewan Bahadur Kashinath Ramchandra Godbole.	The Honourable Mr. G. W. Hatch, I.C.S.
The Honourable Sardar Gulam Jilani.	The Honourable Major-General W. E. Jennings, M.D., I.M.S.
The Honourable Mr. Balkrishna Sitaram Kamat.	The Honourable Mr. H. P. W. Macnaghten.
The Honourable Khan Bahadur Pir Baksh walad Mian Mahmud, C.I.E.	The Honourable Mr. P. J. Mead, C.I.E., I.C.S.
The Honourable Mr. Chunilal Vijbhukhandas Mehta, LL.B.	The Honourable Mr. Gokuldas Kahandas Parekh, LL.B.
The Honourable Sardar Shriniwas Coopooswami Mudliar.	The Honourable Sir Dinshaw Manockjee Petit, Bart.
The Honourable Rao Bahadur Venkatesh Shriniwas Naik.	The Honourable Mr. L. Robertson, C.S.I., I.C.S.
The Honourable Mr. Raghunath Purshottam Paranjpye.	The Honourable Rao Bahadur Ganesh Krishna Sathe, C.I.E.
The Honourable Mr. Abdul Kadir *alias* Fakir Mahomed walad Ibrahim Khan Pathan.	The Honourable Mr. H. O. B. Shoubridge, M.Inst.C.E.
The Honourable Mr. Munmohundass Ramji.	The Honourable Mr. Purshotamdas Thakurdas, C.I.E., M.B.E.
The Honourable Mr. Shridhar Balkrishna Upāsani.	The Honourable Mr. E. G. Turner, I.C.S.
	The Honourable Mr. M. de P. Webb, C.I.E., C.B.E.

STATE LIQUOR CONTROL.

[*The Vice-President; Mr. G. S. Curtis; Mr. B. S. Kamat; Mr. R. E. Enthoven; Mr. R. P. Paranjpye.*] [6TH AUGUST 1920.]

The Honourable the Vice-President (Sir G. Carmichael):—Resolution No. 23. The Honourable Mr. Kamat.

"This Council recommends to the Governor in Council that in the interest of temperance reform, Government may be pleased (a) to try as an experimental measure in a suitable area, preferably in Bombay city, a system of State management for the sale of country liquor, (b) to constitute a Board of Liquor Control composed of officials and non-officials in the selected area, (c) to control the sale price of liquor, and (d) to improve the internal arrangements in public houses by providing on the premises counter attractions such as non-alcoholic refreshments."

The Honourable Mr. G. S. Curtis:—Mr. President,—Before the honourable Mr. Kamat begins his speech, I venture to make an appeal to him. We are now on the fifth day of our deliberations. I venture to make an appeal to him. He is entering on a discussion of a matter of special interest, which I warn him, will require at least two hours. I imagine that he is prepared to take half an hour, and I am prepared to speak more if necessary.

I venture to put it to the sense of the Council that after five days' strenuous labour on various subjects in this Council, we are not in a position to express our views on excise policy with any great facility or clearness of judgment. Furthermore, sir, I would urge that we could not, in any possibility, make any arrangements that are likely to be of a novel character. Excise will be transferred in a few months more, and there will be ample time for the honourable member to place his views and great erudition before the Minister, when the new Council comes into existence.

I think, sir, that the discussion should therefore be adjourned under rule 7, and I hope that the Council will accept my motion.

I propose that:—

The discussion of this resolution be adjourned under rule 7 of the Rules for the conduct of Council Business.

The Honourable Mr. B. S. Kamat:—Mr. President,—Regarding this motion for adjournment, my reply is that, in the first place, there is no necessity to pass to the next item of business for this reason that I am only advocating an experiment, an experiment which does not tie the hands of Government or of the incoming Minister. Secondly, it is not certain that a member of this Council now advocating an experiment may come into the next Council; and thirdly, because of an impending change in the Council, it is not necessary for this Council to put a stop to all its resolutions. We need not in fact be at a standstill. Just as the ordinary machinery of Government goes on whether a new Governor comes in or an old one goes out, similarly, the ordinary machinery of this Legislative Council ought to go on so far as the items on the agenda are concerned. Lastly, I think it would be an advantage to an incoming Minister if we set up an experiment for him to see if he can profit by it. If we do not do it at the present moment, all the time will be lost. I, therefore, say that this motion for adjournment should not be accepted, and we should consider the resolution.

The Honourable Mr. R. E. Enthoven:—Mr. President,—At the beginning of this Council, we had, from the Honourable Mr. Paranjpye, a reference to the somewhat jejune process of flogging a dead horse. The Honourable Mr. Kamat, if he will permit me to say so, is attempting to race a horse that has not been foaled. He wishes to bring in a resolution in connection with the excise system, and he tells us that it is desirable to make an experiment very soon. But, sir, at the present moment, as the honourable member is perhaps aware, we have auctioned the shops for three years, and that period will come to an end in March 1921. The honourable member will see, therefore, that we cannot make experiments immediately, and considering that argument, I hope he will be prepared to allow the reasonable course of adjourning this motion. The matter will certainly come up, in due course, before an entirely different authority, and I think, therefore, that he should allow the normal course to be followed. We cannot interfere with the period of auction. The shops must be held till the end of March, and therefore, to discuss now what is going to be done later on, by an authority that is not here, is, I think, a process really considerably worse than the flogging of the dead horse, to which the Honourable Mr. Paranjpye so rightly referred.

The Honourable Mr. R. P. Paranjpye:—Mr. President,—I wish to oppose this motion for proceeding to the next item of business, because I feel that it is just the proper time when we can consider an item like this. The Excise Commissioner, the Honourable Mr. Enthoven, has told us that the period of auction will come to an end in March next.

STATE LIQUOR CONTROL.

[6TH AUGUST 1920.] [*Mr. R. P. Paranjpye; Mr. D. V. Belvi; Mr. B. S. Kamat; the Vice-President; Mr. G. S. Curtis.*]

I do not suppose that he is going to put a stop to all his plans till after March, till the new Council comes into being. I suppose he must make arrangements about letting out the shops, because, after all, when the new Minister comes into office in January or so, he will not have time to look to every detail of the administration, during the course of the month or two that will be at his disposal, and the Honourable Mr. Enthoven will take a great many steps in advance. I do not think the machine of Government will stop in the least, on account of the new régimé, and therefore, I think it is exactly the proper time for us to consider the policy. At any rate, such a resolution would guide the Excise Commissioner in making arrangements for letting the shops for experimental areas. It should be quite possible later on to make arrangements for a few of these shops if it is decided to continue the old policy, but I say this that, considering the opinion of this Council, he might, in his next programme of auctions, keep a few of these shops unlet. In this manner the opinion of this Council would have a very great weight in giving guidance to the Excise Commissioner when he makes out his programme. I, therefore, think that the present is just the time to move a resolution of this kind, and I think that the motion for adjournment should not be accepted.

The Honourable Mr. D. V. Belvi:—Mr. Chairman,—I have the misfortune to differ from my honourable friend Mr. Curtis in reference to his motion for adjournment of this resolution. The question of excise is of such absorbing and paramount importance to the public that it is not desirable to shut out any light falling on it even at the cost of some time.

The only argument that has been advanced for the postponement of this resolution is that this Council has been sitting for the last four days or so, and that every member of it feels tired. I do not think it is a valid argument. It is our duty to go through the whole business. If necessary we might even sit to-morrow, but we are bound to see that every resolution that can possibly be moved is thoroughly discussed and considered.

The passing of a resolution like this does not bind Government to carry out the recommendations contained in it even after six months. But let us know what the Honourable Mr. Kamat's views are, and if his ideas are such as may commend themselves to Government, it is necessary to give the Honourable Mr. Kamat a fair opportunity of placing his views before the Council. On these grounds I oppose this motion for adjournment.

The Honourable Mr. B. S. Kamat:—May I rise to a point of order? Rule 7 to which the honourable member refers is not contained in the rules regulating matters of general interest. It applies to legislative procedure.

The Honourable the Vice-President (Sir G. Carmichael):—I may point out that the honourable member's argument is not valid. These rules govern all matters.

The Honourable Mr. G. S. Curtis:—Mr. Chairman,—I rise to say a few words. I will deal with the Honourable Mr. Belvi first. His argument is practically this. Whatever the number of resolutions, whatever the vagueness or relative unimportance of the resolutions placed before the Council, this Council is bound to sit here until the whole business is finished. I tremble to think what would be the fate of the new Council with 113 members if that doctrine is once accepted. Those of us who are familiar with the procedure in the House of Commons know that private members' resolutions have, as a matter of course, no very great chance of ever being discussed. A ballot is always held at stated intervals, and a very small percentage of private members' resolutions or bills ever attain the dignity of being discussed. It is a practice there—I do not suppose that for many years that practice will be followed here—that private members' resolutions and bills are formally printed but many of them rarely come up for discussion. So much for the Honourable Mr. Belvi's argument. We have still a long list, and if we are really to do justice to the importance of the subjects therein contained, we shall have to go on until Monday next.

As regards the main question, I submit, sir, that the Honourable Mr. Paranjpye and the Honourable Mr. Kamat, two or three days ago, insisted on the importance of leaving the incoming Minister an absolutely free hand. My honourable colleague in the chair fully accepted the suggestion the other day that the incoming Minister should have a free hand in matters of excise, untrammelled by any previous directions either from the officials responsible for the department or presumably the members of this Council. Now sir, this motion practically goes dead counter to the statement of the honourable members. In other words, they want it both ways. I submit, sir, that this Council ought not to tolerate that. They must have one thing or the other. If there is anything

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done now in this direction, well, the incoming Minister is bound to pay very considerable respect to it. Besides, the constitution of a board of liquor control by the state as is now suggested is absolutely unworkable, and unknown in any big established system of excise administration anywhere in the world.

Putting that aside, I think no profit will be gained by a further discussion of the subject, and I would recommend that this resolution be adjourned.

The motion for adjourning the discussion of the resolution under rule 7, was then put to the vote and carried.

[At this stage the Honourable the Vice-President (Sir G. Carmichael) withdrew and the Honourable Mr. G. S. Curtis occupied the chair.]

The Honourable the Chairman (Mr. G. S. Curtis):—Resolution No. 2. The Honourable Mr. Paranjpye.

"This Council recommends that the new revenue settlement of the Erandol taluka as recommended by the settlement officer be not sanctioned."

The Honourable Mr. R. P. Paranjpye:—Mr. President,—I rise to move this proposition with some diffidence. I must say in the first place that we all hear of the esteemable person, or rather the unesteemable person, who quotes scriptures for his own purposes, and from that point of view when we hear members of Government bringing forward the excuse when it suits them of not committing the future Council to any distinct lines of policy, I wish they had followed the same lines of policy in this case. Now, under the new councils honourable members will remember that the settlement of land revenue is to come within their purview. We should have thought that under these circumstances during the very last gasp of the present Council no definite step would have been taken by Government; and those members of Government who are particularly keen about leaving the future councils free, should themselves not have taken steps which would commit them for a period of 30 years. Now, what do we find? The new proposed settlement about which my resolution speaks has been already sanctioned.

The Honourable the Chairman (Mr. G. S. Curtis):—I will remind the honourable member that land revenue is a reserved subject. Excise is transferred.

The Honourable Mr. R. P. Paranjpye:—I may be wrong, but the Joint Committee distinctly says that the settlements have to be considered by Legislative Councils. In any case I think that the new councils, from my way of looking at the point, are being unfairly treated in having this new settlement sanctioned just during the last six months of the present régime. What is more curious still is that I sent a notice of this motion nearly two months ago. I am not quite certain of the date of the Government order, but I rather feel that the sanction was given to this settlement after the notice of my resolution was received by Government. That will show to the honourable members of this Council the attitude which Government takes when it suits them and also when it does not suit them.

The question which I wish to bring before the Council is that the new settlement that has been proposed, at any rate when I sent in the resolution, is of such an exorbitant nature that the Council will doubtless recommend to Government that that settlement should not be sanctioned. I shall now explain the exorbitant nature of the settlement. Erandol is a taluka in East Khandesh. The last settlement was promulgated in the year 1889, and honourable members know that according to the rules, at any particular settlement the maximum rise should never exceed 33 per cent. At the last settlement this maximum rise of 32·6 per cent. was actually made on the old settlement. Now it is proposed that the same rise is to be made on the new settlement, so that a man who paid Rs. 100 in 1889 will have now, just 31 years after, to pay 170 or 172 per cent.

The Honourable the Chairman (Mr. G. S. Curtis):—What does the rise come to?

The Honourable Mr. R. P. Paranjpye:—My honourable friend will see that 33 per cent. rise on Rs. 133 comes to 177, if Rs. 100 was paid in the year 1889. I think that is a very simple sum in arithmetic, and I need not go further into that. Now according to the rules of Government, the maximum increase is to be 33 per cent. Honourable members will agree that in order to make out a case for this maximum increase, you ought to show that all the conditions have altered in an eminently favourable manner. On every point you must show that the change has been in favour of an increase in the assessment; it ought not to be simply a case of a few points in favour and a few points against. If it

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were a case for keeping the assessment as it was or at the most for increasing it by 7 or 10 per cent., then it would not much matter. But here we are told that the proposed increase is 33 per cent. I think, therefore, a very strong case has got to be made before such an assessment can be sanctioned. Now, what are the conditions? The settlement reports are generally very exhaustive, but the report that has been made—not printed and published, but put up in various places—is only of a very moderate character. First of all, we have got to consider whether the prosperity of the taluka has increased or decreased. This prosperity can be looked at from various points of view. From the point of view of population, the report itself says that the population has decreased. Then consider industries in the taluka. There again you find that the industries have all practically disappeared. Before 1890 the non-agricultural population was 61·4; in the year 1911 that population diminished to 46·3 per cent., and in the year 1919 it is only 32·5 per cent. What does that show? The non-agricultural population is rapidly disappearing and the pressure on agriculture is increasing more and more. Then there are various other things. Is the fertility of the land increasing? If we look at the report again we find that the number of cattle has decreased. The amount of manure available for fertilizing the land has therefore consequently decreased, and also on account of the further fact that people are using a great deal of manure for fuel purposes because fuel has also become expensive. The number of plough-cattle has decreased. In fact formerly a pair of bullocks had to plough 17 acres of land. Every pair now is required to plough 21 acres of land. Honourable members will see that these figures show that the fertility of the land is not likely to increase.

Now consider the rainfall. The figures of rainfall are very interesting. In recent years you find that rainfall is getting more and more uncertain. Take the details from the report itself and you find that while during the first 20 years of this existing settlement there were only two years of bad rainfall, out of the last ten years there was only one year of good rainfall, three or four of normal rainfall and five years of deficient rainfall.

I do not think all these points show that the land can bear greater burden. One does not know exactly whether the conditions of deficient rainfall are going to be permanent or not. There are some authorities who think that bad rainfall has come to stay, but that, at any rate, would require further experience before one dogmatizes on that point. But one can easily see that conditions of the people in that taluka are certainly not better on account of these various factors. As I have already mentioned the weaving and other industries have practically all disappeared. Most people are going in for agriculture and consequently a larger population of the taluka is going in for agricultural pursuits.

Then take the indebtedness of the agriculturists. The report says that the indebtedness of the agriculturists is increasing. It says "the money lenders' circulating capital means so much indebtedness of the agriculturists." Money lenders are more prosperous; quite naturally. Their very prosperity shows that peasants are decreasing in prosperity.

The Honourable the Chairman (Mr. G. S. Curtis):—Will the honourable member read out the paragraph of the report that he is quoting? Is it paragraph 21, page 11? The honourable member has made a statement to the effect that the total indebtedness of the taluka is increasing. I want the authority for that remark.

The Honourable Mr. R. P. Paranjpye:—The report says money lenders are prosperous. So apparently one can say.....

The Honourable the Chairman (Mr. G. S. Curtis):—May I help the honourable gentleman? I will read from page 11:

> "The general condition of the agriculturists is also very prosperous. Though the total amount of debt has increased still that is much below their credit or the paying capacity in these days."

I suppose the honourable gentleman was not correct.

The Honourable Mr. R. P. Paranjpye:—I just read one line above that. So apparently we can say that the indebtedness has increased.

The Honourable the Chairman (Mr. G. S. Curtis):—I differ from the honourable member.

The Honourable Mr. R. P. Paranjpye:—The cost of cultifation has largely increased. Then the report says:

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"It is true that on account of scarcity of labour and high wages the cost of cultivation has largely increased and that their home charges have also increased largely on account of the high prices of the necessaries of life they have to purchase. Still I can say that other favourable factors mentioned above have contributed very largely to increase their material prosperity."

What I point out is that the report is written with a distinct bias. All these facts that I have mentioned are there. But the effect of the facts is gauged wrongly, and finally the conclusion is that the assessment should be increased. Curiously I will just only read one paragraph in which the report goes so far as to say that the very diminishing of the population is so much to the good of the taluka. When a report is written in that manner.....

The Honourable the Chairman (Mr. G. S. Curtis):—Which is that paragraph?

The Honourable Mr. R. P. Paranjpye:—Paragraph 17.

Referring to population the report says:

"This means that the population is less by 11,718 + 9,121, *i.e.*, 20,839 or 16·2 per cent. less than what it ought to have been. This result is due to the epidemic of cholera, plague and influenza and not due to the poverty or similar causes arising out of the depressed material condition of the people. On the contrary I may venture to say that in the materially prosperous condition of the taluka there have been so many mouths less to feed and the decrease has partially improved the status of the labouring classes by creating more demand for labour."

I would only point out by means of a remark like this the underlying object of the report that has been published. I take it, and anybody that reads that report will find, that here is one thesis to prove whether the argument supports it or not. Whatever the effect the final conclusion is that the assessment has got to be increased. In the Statistical Atlas we find in 1906 the following sentence:—

"At the present time, *i.e.*, in 1906, the economic condition of the cultivator cannot be said to be more than fair, the succession of bad seasons since 1896-97 combined with extravagance having materially impaired it."

Mr. Kelkar, the Settlement Officer, does not of course agree with many of these things. But he has for my convenience given me all these facts, and I come to an altogether different conclusion from the one that he has arrived at.

I say that all the conditions ought to be favourable for justifying such an increase in the assessment. There are one or two things at which the settlement officer is supposed to look to. One is the price of land. Now it is quite true that the actual value of the land has increased largely. That is the effect of larger pressure on land and the disappearance of industries. As everybody wants some land, he pays fancy prices for that land.

The Honourable the Chairman (Mr. G. S. Curtis):—Will the honourable member tell me what industries have gone?

The Honourable Mr. R. P. Paranjpye:—Hand gins have gone, looms have gone. Oil-presses have practically disappeared. These were the industries that were in the Erandol taluka.

I have read out figures of non-agricultural population that are given in the report itself. What I say is that the selling price of land has certainly gone very considerably up. But that is due to the fact that a number of people wanted the same piece of land. And some people who make money outside want to invest money in their own native lands. Similar things have occurred in my own village. Every man wants to buy lands and to invest money in land. So you cannot draw any inference from the selling price of land. The Land Revenue Code gives us a real guide in fixing the assessment and that is as follows:

"In revising assessment of land revenue regard shall be had to the value of land for the purposes of agriculture and the profits of agriculture."

I think you have got to hold fast to that one principle. You have got to consider whether the profits of agriculture have decreased or increased. Now, I think, in this particular taluka there is no doubt at all that profits of agriculture have not increased. There again you find that there is a distinct preparing of a case by the Settlement Officer. In the last Settlement Report made by Mr. Pitt you find that the letting value of land, which practically gives an idea as to the profits of cultivation, is something like Rs. 6-1-0.

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The Honourable the Chairman (Mr. G. S. Curtis):—Will the honourable member refer me to the page of the report in support of his statement?

The Honourable Mr. R. P. Paranjpye:—Yes, I will read it.

"Now to come to the figures of the *bona fide* rents of leased lands we have to examine the appendices II H, H_2 comparing the figures of rent per acre and per rupee of assessment with those mentioned in Mr. Pitt's report and appendix O. I find that they give a favourable aspect for the settlement purposes."

This is very very curious. Mr. Pitt's figures are such that they are unfavourable for making out a case for increase.

I think honourable members of this Council will easily see that every point which was coming against was supposed to be wrong and every point which by hook or crook he made was distinctly right. He said about Rs. 6-3-0 would be the letting value of the land now, and so far as the profits of land are concerned this did not justify any increase in assessment. I therefore want to ask the Council to say that here no case has really been made out for an increase in the assessment. People have been very greatly troubled by disease, scarcity, lack of rain for many years. Pressure of prices is very heavy. You must remember that the Khandesh district is one which does not produce sufficient food for itself. In this taluka for instance the amount of land under food grains is comparatively small and the taluka has got to import its food grains, and therefore, the high prices of food grains weigh very heavily on the taluka which produces money-making crops for export like cotton and wheat. Well, they might, therefore, make more money by selling those money-making crops; still they have got also to spend very much more on their food and other necessaries. I do not think, therefore, considering also the increase of price of labour, manure, and so on, that a case has at all been made out for an increase.

Finally, I would just ask the Council to remember one point. This is what the Settlement Manual says:—

> "The first principle and the foundation of success was that of 'moderation in demand.' Both Goldsmid and Wingate had grasped the principle which, though so obvious nowadays, was then hardly realized, that a fixed money assessment, in a country like India, must be studiously moderate if it is to be regularly collected and the necessity for constant remissions and the resultant peculation done away with. . . . . In pressing this policy upon Government they were backed by a powerful advocate in Mr. Frazer-Tytler, whose influence as Mr. Stewart remarks 'did much to pave the way for the present Bombay system of settlement.' As that officer urged in submitting his proposals for the settlement of the Nasik Dangs: 'We cannot possibly err on the side of lowness of assessment as regards the ryots, and total exemption would be the furthest point to which we should go, had we solely their interests to look to. In framing an assessment therefore, in which the well-being of the ryots is what we have in view, the question becomes—What is the utmost that Government can let them have? and not—What is the utmost they can let Government have? Hitherto the latter question has unfortunately been too often considered; and it is one which it is impossible to settle with nicety, without rendering the ryots liable at any time to be called upon for more than a fair share of his profits in the soil. How much can Government let the ryot have? does not appear so difficult a question. It may sometimes be a struggle to be generous, but it will always meet with its return: and it is now generally allowed, that to yield much to the ryots is to receive much from them. All reason and experience lead to this conclusion and we have lately had practical proof of it. The interest of Government then, as well as that of the ryot leads us to lowness of assessment. Give as much therefore to the ryot as Government can spare, and take only as much as the present necessities of the state demand, ought, it appears to me, to be the standard of our revised assessment.'"
> [Bombay Survey and Settlement Manual, Vol. I (1917), pp. 34, 35.]

I think, therefore, that if I am asking Government not to be a very hard landlord and take the utmost farthing that the ryots can give, I am erring in very good company. Let me make one point very clear. There is a school of public men in this country who want a permanent revenue settlement. Now, frankly I may say that I do not belong to that school. I am not in favour of the permanent settlement, and I am in favour of Government realizing its proper share of the unearned increment of the soil. What I contend, however, is that that share should be a fair and reasonable share, and that

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increment should be shown certainly and definitely without any possibility of a doubt to the ryot's interest. If that is shown, I shall not be prepared to criticise any increase in the assessment. But my contention is that in the case of the Erandol taluka the existence of these conditions has not been shown beyond the possibility of a doubt. I think, therefore, that if we are to make a mistake at all in the matter of a new settlement, we should make it in favour of the ryots and not in favour of Government. Government should not be rack-renting landlords. After all, Government can charge the last penny to the ryot if they like until the man feels it absolutely futile to cultivate the land. But the policy of Government is not, and should not be, to get the utmost farthing in this manner. There are certain rules which Government have put down on paper, but I want to point out that all of them cannot be put into effect strictly according to the mere letter; they have to be applied with due consideration. I, therefore, ask Government and this Council to pass this resolution.

The Honourable Mr. G. K. Parekh:—Sir,—I support the resolution that has been moved by my honourable friend Mr. Paranjpye. I am not going to trouble the Council by a repetition of facts upon which he has relied to show that the increase in the settlement now made is excessive. I will only confine myself to two or three points to show that these grounds justify the view that Government should reconsider their decision in reference to the acceptance of the revision settlement. My honourable friend has already told the Council that it is necessary in the case of assessments that the conditions of the ryots should be taken into consideration and that the assessments should be of a moderate character. We have, sir, before us the result of assessments made when the prices were ruling very high. I put before you, sir, the case of the talukas of Matar and Mehamadabad, where Government recently had to make a fresh settlement reducing the Government demand by something like Rs. 2,07,000 from these talukas. The conditions both in Matar and Mehamadabad talukas led to a complete deterioration of the lands in these talukas, and the result was that the ryots' condition deteriorated, the lands deteriorated, and a considerable amount of land fell into disuse. That condition should not be repeated in Erandol or any other place.

Another circumstance which I want to bring to your notice and which bears upon the report on the Erandol settlement is that there has been a decrease in the rainfall. During the last ten years the rainfall has been less than what it used to be before. Now it would have been different if during one or two years the rainfall was deficient owing to casual conditions, but I shall try to show the Council that in this case the deficiency of rainfall was not due to casual conditions but to conditions which have come to stay. For this purpose I have to show to the Council several cases which prove that for a considerable time past there has been a deficiency of rainfall in the ghat talukas to the east of longitude 74. You have before you, sir, the case of Erandol. I place before you, sir, the case of the Sheogaon taluka of the Ahmednagar district where there has been the same condition for a long number of years.

The Honourable the Chairman (Mr. G. S. Curtis):—Will the honourable member tell us how far is Sheogaon from Erandol?

The Honourable Mr. G. K. Parekh:—I was going to show, sir, the grounds upon which a conclusion would follow, that the conditions of deficiency of rainfall do exist for some time. It is for that purpose that I am going to put before you instances of talukas other than Erandol where there has been deficient rainfall in order to show that these conditions would not exist unless the causes were of a permanent character. If I am permitted to go into that question, I will try to show that these conditions are not casual but are.....

[At this stage the Honourable the Vice-President (Sir G. Carmichael) resumed the chair.]

The Honourable Mr. G. S. Curtis:—I only asked the honourable member whether he would kindly tell me how far is Sheogaon from Erandol.

The Honourable Mr. G. K. Parekh:—Well, all these places, sir, are to the east of the 74th longitude. I put before you, sir, the conditions of rainfall in Sheogaon and those talukas where the rainfall.....

The Honourable Mr. G. S. Curtis:—I rise to a point of order. In discussing the question of Erandol settlement we cannot, I think, go into the economic conditions of Sheogaon and Ahmednagar, and other places.

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The Honourable the Vice-President (Sir G. Carmichael):—I think the honourable member is travelling somewhat outside the scope of the main question which is now before the Council.

The Honourable Mr. G. K. Parekh:—I will only explain that there has been a deficiency of rainfall all over in talukas to the east of the 74th longitude not only during one, or two or three years, but for a succession of years, from fifteen to twenty, and therefore, if you consider that what I say is not relevant to the present question, I am in the Council's hands.

The Honourable the Vice-President (Sir G. Carmichael):—Order, order. I understand the honourable member wishes to show that the rainfall generally has been very short in the last few years and on that ground he is supporting the resolution. So far, I think, his argument would be relevant to the resolution which we are discussing at present.

The Honourable Mr. G. K. Parekh:—The other talukas, sir, to which I intended to refer were Junnar and Sirur in the Poona district and Badami in the Bijapur district for the purpose of showing that rainfall in all those talukas has been deficient for a number of years owing to new conditions which are not casual. Considering that this is a new development and that there is no likelihood of an improvement in the economic conditions of Erandol taluka during the next settlement, and in order that the conditions of the taluka may remain good, it is necessary that the assessment should be moderate.

The Honourable Mr. S. B. Upasani:—Mr. President,—I wish to support this resolution. I would congratulate the Honourable Mr. Paranjpye on his good luck in having got this resolution admitted. Similar resolutions previously sent by me were disallowed on the ground that they did not relate to matters of general public interest; however, that is another matter.

Now, as regards the resolution before us the Honourable Mr. Paranjpye has stated in detail all the facts referring to the present settlement. I shall, therefore, only refer to a few figures referring to the last revision settlement, which will more clearly show how the present increase was not justified. At the original settlement this taluka was divided into six groups of 227 villages, of which only three villages were assessed at Rs. 2-12-0, 52 at Rs. 2-4-0, 93 at Rs. 2-2-0, 40 at Rs. 2, 34 at Rs. 1-14-0, and five at Rs. 1-12-0. All these villages at the last revision in 1890 were made into one group, and that one group was assessed at Rs. 2-10-0. Thus the assessment rate,, which excepting only the three villages assessed at Rs. 2-12-0, ranged in the case of the remaining 224 villages at Rs. 2-4-0, Rs. 2-2-0, Rs. 2, Rs. 1-14-0, and Rs. 1-12-0, was at one stroke raised to Rs. 2-10-0, and the total increase for the taluka came to nearly 33 per cent. This increase was proposed and sanctioned among other reasons on the ground that the population had increased by 57 per cent., and now it is further increased on the ground that the population has gone down, and that there are less mouths to feed. This argument based on increase and decrease of population would thus appear to be a double-edged sword to increase the assessment whether the population may increase or decrease. That is rather hard.

I submit that whenever these revision settlements have to be made, it is, in the first place, necessary that actual crop experiments should be made to show actually what the return is. Instead of doing that, the Settlement Officers propose increase in the rates on mere inferential arguments which can be turned either way, as may suit the recommendations which they may wish to make. I think, we must insist that unless actual crop experiments are made and full account is taken of the cost of cultivation, and that too not only in one year, but in a series of years, no increase in the assessment should be allowed. In the present case, as in the case of most revisions sanctioned during the last few years, no crop experiments have been made and the increase is proposed and sanctioned on mere inferential arguments. The Honourable Mr. Paranjpye has cited facts and figures showing that the alleged prosperity of the taluka is more apparent than real. That being the case, it stands to reason that after the full increase that was made in the last revision, the further full increase allowed under the Government standing orders was not justified. At the last revision, the increase of the assessment came to over 40, 50, and 60 per cent., in the case of several villages, and in the case of one village, I think, it is Bhandar, it came to over 84 per cent. In the case of all these villages, the present further increase will, I think, cause much harm and great hardship. With these few remarks, I heartily support the resolution of the Honourable Mr. Paranjpye, and I trust that Government will accept it.

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The Honourable Mr. G. S. Curtis :—Mr. President,—I rise to oppose this resolution. In the first place, I propose to deal with the preliminary remarks of the honourable mover. The honourable mover said that Government were inconsistent in asking this Council to hold their hands in deciding the excise policy, and the present orders which they have passed in this case, which is a revenue matter. I have no doubt whatever that under the new arrangements, revenue questions are an entirely reserved matter, and that therefore, the control over the Revenue Department, by the Legislative Council, will not exceed what it is at present. Therefore, the argument of the honourable mover has no application to the case.

The second point made by the honourable member was that he had given notice of his resolution two months ago, and that Government must have known this momentous fact before they were so bold as to pass orders. Of course, I do not know to which secretary the honourable member sent his letter. But I do not imagine that the momentous fact that the Honourable Mr. Paranjpye was to move a resolution on a revenue matter was at once known to the revenue secretary. But, sir, the facts do not bear out the honourable member's contention. I find that the orders were passed on the 18th of May, nearly three months ago. Therefore, there is no foundation for the allegation that Government rushed through these orders, knowing that discussion was going to take place in the Legislative Council.

I now proceed to deal with the so-called facts brought forward by the honourable mover. I have a complaint to make, first of all, as to the manner in which he has used facts to support his contentions. His main contention, first of all, was that agricultural indebtedness had gone up. But when I pinned him down to the report, he justified it by saying that the money-lenders were prosperous. The report says :—

> "The general condition of the agriculturists is also very prosperous. Though the total amount of debts is increasing still that is much below their credit or paying capacity in these days. The intrinsic material condition of this class of people has vastly improved during these 30 years, as will be apparent from the statistics about the value of land, rents, prices of food grains and cotton and figures of cultivation of dry and irrigated crops. It is true that on account of scarcity of labour and high wages the cost of cultivation has increased and that their home charges have also increased largely on account of the high prices of the necessaries of life they have to purchase. Still I can say that other favourable factors mentioned above have contributed very largely to increase their material prosperity."

Therefore, sir, I contend that the honourable member's statement that the agricultural indebtedness is increasing has no justification in the remarks from the report. The actual sum in figures may be larger but as we know, the return from the produce of the soil is larger, and consequently the surplus of income over indebtedness is larger. Anybody who knows the district knows that Erandol is the most prosperous taluka of the most prosperous district in the Presidency. Reports from Erandol come to me very often, and I may describe the extent to which gold and silver chalan has been absorbed in the last few months in this very fortunate district. Everybody knows that during the last three years the prices of cotton have at least doubled, if not trebled.

The Honourable Mr. R. P. Paranjpye :—That was only for a time.

The Honourable Mr. G. S. Curtis :—They are not, at present, at their original figure, but there is every reason to believe that the general level of prices, owing to the depreciation of the value of money, will be higher than what they were four years ago. I do not know whether the honourable member is personally acquainted with the taluka. I am, and I can say without hesitation that it is the most prosperous taluka in the most prosperous district in the whole of the Presidency. I can assure the honourable member that if he will compare the prices of Khandesh cotton in the decade preceding 1890 with the prices which obtained in the last ten years, he will find that if the prices are alone followed as a basis for settlement, an increase of something like 200 per cent. would be fully justifiable.

As regards rents, again I cannot follow the honourable mover's reading of the report. Mr. Kelkar is an honest man. He puts facts perfectly clearly. He says he cannot understand why the rents given by Mr. Pitt are so high. He quotes the three different stages of rent for three different periods in the settlement, and remarks that the rate before the last decade of the settlement was 5·13 as compared with 3·07 for the first decade of the settlement. Then the honourable member talked about the decrease in the cattle. Again, the report does not quite justify what he said. The report says :—

> "A glance at the figures shows that during the last 30 years the total number of cattle has gone down by about 5,600 and that in the famine year 1899-1900 the

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[6TH AUGUST 1920.] [*Mr. G. S. Curtis; Mr. R. P. Paranjpye.*]

decrease was very marked showing that about 24,000 of the cattle-head had disappeared in the famine. It has, however, to be noted that the system of recuperation was going on for the last 18 years and now the number of cattle has reached its first limit."

Further on, the report says that the number of breeding bulls and buffaloes has increased a bit more during the 30 years. The report also says :—

"The number of plough-bullocks is now less by 3,993 than in 1891-92 though the cultivable area is now increased somewhat. The area of cultivable land per pair of plough-cattle comes to be 21½ acres as compared with 17 acres in 1891."

Generally speaking, sir, I am not prepared to follow the honourable member who supported the honourable mover, into his discussion of rainfall, and I do not think that there is any justification for taking up the time of the Council in considering the relation of rainfall to the richest taluka in the richest district of the Presidency with a famine stricken tract like Sirur, or Parner in the Nagar district or Badami in the Bijapur district. We know that in these talukas the rainfall fails three years out of four. But as regards Erandol, the Honourable Mr. Parekh has the report before him, and he is entitled to prove, if he can, that the rainfall has been very deficient there. I can see no justification for it. The rainfall figures will show that it has been steady, except the famine year of 1918. Therefore, there is no justification for any general theory which the honourable member tried to establish that the rainfall in Erandol has proved inadequate.

The honourable mover of the resolution seemed to paint the picture of a tract, with a large number of industries extinct, disappearing oil-presses, looms and paper factories, and cotton gins. There was once a small paper factory, but I do not imagine that it employed more than 50 men. But as regards gins, I do not know where he got his remarks from. The report says that there are now 6 cotton-presses and gins and steam-presses.

The Honourable Mr. R. P. Paranjpye:—I was talking of hand-presses.

The Honourable Mr. G. S. Curtis :—I am quite aware that he tried to make capital out of the fact that the hand-presses have disappeared. But the steam-gins employ very many more hands than the hand-gins ever did. I think that the steam-gin in Erandol employs something like 1,000 hands, and I am sure that the hand-gins never employed anything like that number. I do not know what other industries there are in Erandol which can employ a large section of the population. I admit that there is an inconsistency in the population figures, but the one fact the honourable member cannot get away from is that the land is fetching very large prices, though there is no pressure whatever on the soil, that the rents have gone up very largely, that the prices of produce have also gone up, and there has been a new railway built through the taluka. The taluka has been opened up north and south. Probably no other taluka has better markets than Erandol, and there are railways on both sides.

Generally speaking, as I say, the tract is the most prosperous in the most prosperous district in the Presidency, and we have no reason whatever why the ryots of that taluka should not contribute a fair quota towards the increasing expense of the administration. If we recognize that prosperous tracts are not to contribute to the rising cost of administration, as evidenced by the honourable mover's appeal, and if we are to treat our pensioners justly, pay higher wages to Government servants, and spend larger amounts on education, bankruptcy must face us. Therefore, I would ask this Council to reject the resolution.

The Honourable Mr. R. P. Paranjpye:—Sir,—I do not think that the honourable member has met the gravamen of my arguments about the unsatisfactory nature of the impost and the justification for increasing the assessment by 33 per cent. It is curious to see the way in which the heads of revenue officials run; they appear to think that until the agricultural population gets indebted to the utmost of their capacity they are a fair field for increasing the agricultural assessment to the utmost extent. The Honourable Member in Charge says Mr. Kelkar is an honest man, but I would ask whether Mr. Pitt who made the settlement 30 years ago was a dishonest man. At that time Mr. Pitt arrived at certain figures; now Mr. Kelkar says that they are not right. I do not see why the figures that are not suitable to your own case should not be accepted.

About the industries, I am reading from the report of the Settlement Officer of Erandol, last year :—

"There are no important manufactures or local industries in the taluka. At Erandol there are a few Mahomedans who are called Kagdis and who manufacture

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[*Mr. R. P. Paranjpye.*] [6TH AUGUST 1920.]

some kinds of rough and thick paper by hand from the pulp prepared from useless paper sold in offices, etc. The best of these papers is used for making account books for Khandesh and Berar Banias. The industry is however no way flourishing .....

"There is some hand-loom weaving industry. There are about 250 and 200 families of Hindu and Mahomedan weavers at Dharangaon and Erandol respectively and they make ordinary sarees worth Rs. 5 to 15 from imported yarn. This industry is also not quite flourishing. The men are generally poor and are given to drinking and entirely in the hands of the middlemen.

"At Kasoda there are some Mahomedan weavers who are experts in making carpets and Zoryas. These things are generally of coarse and thick texture but wear very well. Some of these men make some excellent and costly specimens of carpets resembling Galichas. A specimen was lately seen by me which was only 12′ × 6′ but was said to be worth Rs. 120. .....

"There are in all 6 cotton-gins and 4 presses in the taluka, which do work for about 4 or 5 months in a year and engage in all about 600 workers."

These are all the industries in the taluka. They also are not flourishing. Therefore, I believe that the Council will agree with me that I have made out a case for no such large increase of assessment, to the extent of 33 per cent. In fact the assessment has been increased more than 33 per cent. The one-third per cent. above this figure may be a negligible quantity, but still that shows that they have almost passed the maximum limit allowed. I do not believe that anyone who reads the report as a whole dispassionately will consider that there is a case for increasing the assessment. One man says that the prosperity of the taluka has increased, another person says that it has decreased. Unless we have got definite facts and figures, I do not think the opinion of a man—I will not say interested, but a man who had absolutely made up his mind—can be taken as gospel truth by members of this Council. I think the policy of this Council is not to rack-rent the agriculturists to this extent. I need not say anything more, and I hope the Council will pass the resolution.

The resolution was put to the vote and lost, 9 voting for and 15 against.

The Council divided as follows:—

Ayes.	*Noes.*
The Honourable Mr. Dattatraya Venkatesh Belvi, LL.B.	The Honourable Sir George Carmichael, K.C.S.I., I.C.S., *Vice-President.*
The Honourable Rao Saheb Harilal Desaibhai Desai, LL.B.	The Honourable Sir Ibrahim Rahimtoola, Kt., C.I.E.
The Honourable Rao Bahadur Siddhanath Dhonddev Garud.	The Honourable Mr. J. G. Covernton, C.I.E.
The Honourable Mr. Balkrishna Sitaram Kamat.	The Honourable Mr. R. E. Enthoven, C.I.E., I.C.S.
The Honourable Rao Bahadur Venkatesh Shrinivas Naik.	The Honourable Mr. G. W. Hatch, I.C.S.
The Honourable Mr. Raghunath Purshottam Paranjpye.	The Honourable Major-General W. E. Jennings, M.D., I.M.S.
The Honourable Mr. Gokuldas Kahandas Parekh, LL.B.	The Honourable Mr. H. P. W. Macnaghten.
The Honourable Mr. Abdul Kadir *alias* Fakir Mahomed walad Ibrahim Khan Pathan.	The Honourable Khan Bahadur Pir Baksh walad Mian Mahmud, C.I.E.
The Honourable Mr. Shridhar Balkrishna Upasani.	The Honourable Mr. P. J. Mead, C.I.E., I.C.S.
	The Honourable Mr. L. Robertson, C.S.I., I.C.S.
	The Honourable Mr. Phiroze C. Sethna O.B.E.
	The Honourable Mr. H. O. B. Shoubridge, M.Inst.C.E.
	The Honourable Mr. Purshotamdas Thakurdas, C.I.E., M.B.E.
	The Honourable Mr. E. G. Turner, I.C.S.
	The Honourable Mr. M. de P. Webb, C.I.E., C.B.E.

SCHOLARSHIPS FOR UNTOUCHABLES—HYDRO-ELECTRIC SCHEMES—CENSUS RETURNS—EXPORT OF CATTLE.

[6TH AUGUST 1920.] [*The Vice-President; Mr. Phiroze C. Sethna; Sir Ibrahim Rahimtoola.*]

The Honourable the Vice-President (Sir G. Carmichael):—Resolution No. 4. The Honourable Mr. Belvi.

"This Council recommends to His Excellency the Governor in Council to be pleased to direct that at least 15 per cent. of the scholarships available in each Government educational institution be reserved for pupils from the untouchable classes in the Bombay Presidency."

As the Honourable Mr. Belvi is not present, I proceed to another resolution. This resolution is deemed withdrawn.

The Honourable the Vice-President (Sir G. Carmichael):—Resolution No. 8. Dewan Bahadur Godbole.

"This Council recommends to His Excellency the Governor in Council that in granting concessions for new hydro-electric schemes in this Presideny in future, involving the acquisition by Government of 1,000 acres and above of agricutural lands, the following conditions should be made:—

(a) that all excess profits after paying 10 per cent. dividends to shareholders should be divided between the company using the concession and Government, half and half,

(b) that one-fourth of the power generated should be reserved for the production of nitrate fertilizers from the atmosphere or driving agricultural machinery, if such use of the power is financially practicable according to expert advice received by Government."

As the honourable member is not present, I will proceed to the next item. This resolution is deemed withdrawn.

The Honourable the Vice-President (Sir G. Carmichael):—Resolution No. 11. The Honourable Mr. Phiroze C. Sethna.

"This Council recommends to His Excellency the Governor in Council to suggest to the Government of India that in the next census returns in the table known as 'Occupation or Means of living (unproductive)' beggars be shown separately and not be included as at present under the heading 'Beggars, prostitutes, receivers of stolen goods, cattle poisoners'."

The Honourable Mr. Phiroze C. Sethna:—Sir,—The reason why I have brought forward this resolution is that if we have the exact number of beggars in the census returns, it will enable not only Government but also public bodies who are interested in the question as well as desirous of ameliorating the condition of these unfortunates, to know how many they have to provide for. It will be within the recollection of this Council that in December 1917, I had brought forward a resolution asking for the appointment of a committee to formulate proposals for the prevention of professional beggary in the Presidency. On that occasion there was considerable difference of opinion between the Honourable Member in Charge and the non-official members who spoke on the question as to the exact number of beggars in the Presidency. If the exact number of beggars is known, it will be a great help indeed, particularly now when the general public are of late taking a keen interest in the matter of affording relief to beggars.

I may mention incidentally that the non-official committee which was appointed in April 1918 sent in its report in April 1919, and I have the assurance of the Honourable Member in Charge that the report will soon be published. As regards the definite and practical recommendations made by the committee, I am informed by the Honourable Member in Charge that on account of the heavy work which Government have had of late, they propose to leave the carrying out of the recommendations or otherwise to the new Council. It will be a great help to the new Council therefore if in the census returns of 1921, beggars are classed separately and their exact numbers given.

The Honourable Sir Ibrahim Rahimtoola:—Sir,—I have much pleasure in accepting the resolution on behalf of Government. If the Council passes it, the suggested recommendation will be made to the Government of India.

The resolution was then put to the vote and carried.

The Honourable the Vice-President (Sir G. Carmichael):—Resolution No. 14. The Honourable Mr. Munmohundass Ramji.

"This Council recommends to His Excellency the Governor in Council to move the Government of India to take necessary steps for the prohibition of the export of useful milch and agricultural cattle."

EXPORT OF CATTLE—PROMOTIONS OF MAMLATDARS—PAY OF VERNACULAR TEACHERS—PUPILS OF DEPRESSED CLASSES.

[*Mr. Munmohundass Ramji; the Vice-President; Mr. S. B. Upasani; Mr. B. S. Kamat; Mr. J. G. Covernton.*] [6TH AUGUST 1920.]

The Honourable Mr. Munmohundass Ramji:—Mr. President,—I ask permission that this resolution be postponed to the September meeting.

The resolution was by leave postponed.

The Honourable the Vice-President (Sir G. Carmichael):—Resolution No. 17. The Honourable Mr. Upasani.

"This Council recommends to His Excellency the Governor in Council that the appointments of mamlatdars and their promotions be made by Government and not by the Commissioners."

The Honourable Mr. S. B. Upasani:—Sir,—I beg leave to withdraw this resolution.

The resolution was by leave withdrawn.

The Honourable the Vice-President (Sir G. Carmichael):—Resolution No. 21. The Honourable Rao Bahadur Garud.

"This Council recommends to His Excellency the Governor in Council that the pay of vernacular teachers be revised on the lines adopted by Government, for the revision of pay of the clerical establishment in other departments."

As the Honourable Rao Bahadur Garud is not present, I will proceed to the next item. This resolution is deemed withdrawn.

The Honourable the Vice-President (Sir G. Carmichael):—Resolution No. 24. The Honourable Mr. Kamat.

"This Council recommends to the Governor in Council that Government may be pleased to direct—

(a) that all pupils belonging to the depressed classes studying in local board primary schools up to the vernacular fourth standard be supplied free with school books, slates and pencils, and

(b) that all pupils belonging to the Depressed Classes studying in secondary schools or colleges, whether Government or aided, be exempted from fees."

The Honourable Mr. B. S. Kamat—Mr. President,—I believe the resolution speaks for itself. It is intended to give educational facilities to pupils of the depressed classes who are backward in education. I am sure Government is already doing something for them so far as primary schools are concerned. But the object of this resolution is to request Government to make a ruling that all pupils shall receive the benefit of slates, pencils and books who are studying in the local board primary schools up to the fourth standard, and also that all pupils belonging to the Depressed Classes in secondary schools or colleges shall receive similar help in order that their secondary education and college education might be facilitated. I think no further words are needed from me to commend this resolution to the acceptance of this Council.

The Honourable Mr. J. G. Covernton:—Mr. Chairman,—The resolution seems quite harmless on the face of it, and I may even say it is meritorious. As regards the first part of the question, namely, provision of slates, pencils, books, etc., we are already doing a good deal in that way especially for the particular classes which are mentioned by the honourable member, and provided that funds permit, we should have no objection to extending what we are doing a good deal further. It is very largely a question of funds so far as the first part of the resolution goes. As regards the second part of the resolution there are considerably more difficulties than would appear on the face of what the honourable member has said. In the first place it must be remembered that nearly all these depressed class people are very poor. That at first sight seems to be an argument particularly in favour of the honourable member's resolution. But when you look deeper into it you can realize that this is not quite the case. It is no good giving a poor man an opportunity to go somewhere if he cannot maintain himself when he sits there. It is no use giving an opportunity of going to a school to a poor man when he cannot derive benefits from the instruction which he receives. It is not only a question of exemption from fees, but in most of these cases it is a question of providing scholarships from which to maintain the scholars at the places to which they may wish to go. That entails a considerable expenditure. I have not got most recent figures for the depressed classes by me but those of the previous year came to about 36,000. That is taking the depressed classes only as apart from the criminal tribes, and I do not know why we should do more for the depressed classes than for the so-called criminal tribes and aboriginals. There is again

PUPILS OF DEPRESSED CLASSES.

[6TH AUGUST 1920.] [*Mr. J. G. Covernton; Rao Saheb H. D. Desai; Sir Ibrahim Rahimtoola; Mr. B. S. Kamat.*]

this fact that we do provide a good many scholarships for these people in various institutions and at present people do not take advantage of them. A good many of them are going a-begging. And, therefore, to increase the number until we fill up all those which we have already, is useless.

I find many honourable members in dealing with subjects of this kind forget the question of aided schools. We can make regulations for Government schools and practically, at present, for every local board school. But we cannot do that for municipal schools, and least of all can we do it for every aided institution. I cannot say to the Honourable Mr. Paranjpye that he should take any number of the depressed classes free, nor can I do it for any other manager of any aided institution. If we were to do that we should have to find money to compensate them for the fees which they would lose.

Lastly, Government some time ago, I do not remember when, but fairly recently, in a communication about education specially in connection with free education, enunciated the policy that so far as primary education was concerned no boy should go without the means of obtaining instruction. That is to say, then we are practically pledged already in regard to primary schools to help these boys and they can be exempted from paying fees even now. But we are not in a position at present to extend that policy and to lay it down as a generally requisite or desirable policy for higher institutions.

The Honourable Rao Saheb H. D. Desai:—Sir,—I feel inclined to agree with the views of the Honourable the Director of Public Instruction, and I think that when we are very near the new councils it would not be proper to tie the hands of those who are to be in charge of the Department of Education from now. We are near to the elections for the new councils and perhaps the resolution may be found unworkable; I would much rather wish that we had better defer doing anything on a resolution of this character now when we are at the fag-end of our career.

The Honourable Sir Ibrahim Rahimtoola:—Sir,—Honourable members are aware that Government are in complete sympathy with the object of promoting education amongst the backward classes. They can only deal on the present occasion with the existing budget. The new budget in regard to transferred subjects will be framed by the Ministers and will for the first time require the sanction of the new Legislative Council. So far as this Government is concerned they can only deal with the question raised, within the financial provisions made in the budget for the current year. There is, as honourable members are aware, a provision of one lakh of rupees for the education of the backward classes and Government have issued orders that, apart from that grant for students' books, slates, etc., the following general allotments should be made for scholarships and prizes: In the N. D. 4,600, S. D. 12,000, C. D. 17,950. For scholarships and supplying books and writing materials in Sind, a sum of Rs. 7,520 has been provided. It will therefore be observed that so far as the first part of the resolution is concerned Government are already doing all they can. I have, therefore, no objection to accept that part of it provided the honourable mover agrees to the addition of the words "as far as funds permit".

As regards the second part of the resolution there are obvious difficulties which cannot be met at present. The Honourable the Director of Public Instruction has pointed out that even in regard to the free studentships and scholarships which have already been provided there are not sufficient applicants from this class. I do not think it is any use dealing with the problem when candidates for the assistance already provided are not forthcoming. So far as Government secondary schools are concerned five per cent. out of a total of 15 per cent. free studentships are open to them in the Presidency proper, and it has been several times noticed that some of these studentships remain vacant for want of candidates of this class. That being the case this Council cannot accept the second part of the resolution.

It may interest the Council to know that Government have recently announced four scholarships in professional colleges for backward classes. The question of awarding similar scholarships in other colleges is under the consideration of Government. All this shows that Government are trying to put in practice their sympathy for the progress of education of backward classes. I hope honourable members will be satisfied that so far as the administration of the Education Department of this Government is concerned everything is being done to help the backward classes. I hope the honourable mover will be content with the acceptance of the first part of his resolution with the addition of the words I have mentioned and will withdraw the second part.

The Honourable Mr. B. S. Kamat:—Sir,—I agree to the addition of the words suggested by the Honourable Member in Charge and I am thankful to Government for

PUPILS OF DEPRESSED CLASSES—POSTS FOR UNTOUCHABLES—LAND ACQUISITION FOR COMMERCIAL COMPANIES.

[*Mr. B. S. Kamat; the Vice-President; Mr. D. V. Belvi; Dewan Bahadur K. R. Godbole.*] [6TH AUGUST 1920.]

accepting the first part of the resolution with the addition. I recognize that there are certain difficulties as pointed out by the Honourable the Director of Public Instruction regarding the second part, although I say from the figures contained in his annual report that the number of students in secondary schools was not very much. It was 215 in secondary schools and 419 in private institutions, and I want Government that they should be admitted free. However, if there are any departmental difficulties I do not wish to press for the second part of the resolution.

The first part of the resolution as amended was then put to the vote and carried.

The second part of the resolution was by leave withdrawn.

The Honourable the Vice-President (Sir G. Carmichael):—Resolution No. 5. The Honourable Mr. Belvi.

"This Council recommends to His Excellency the Governor in Council to be pleased to direct that at least 5 per cent. of posts carrying a monthly salary of not more than Rs. 400 in each department of civil administration in the Presidency of Bombay including Sind be reserved for qualified candidates from the untouchable classes."

The Honourable Mr. D. V. Belvi:—Sir,—I applied for certain information to Government so far back as the month of February, but I am sorry to say that that information has not as yet been supplied to me, and I am constrained to ask your permission to get this resolution adjourned to the next session of the Council.

The resolution was by leave postponed.

The Honourable the Vice-President (Sir G. Carmichael):—Resolution No. 9. The Honourable Dewan Bahadur Godbole.

"This Council recommends to His Excellency the Governor in Council that when land has to be acquired for commercial companies in future for cultivation purposes it should, as far as practicable, be leased from landholders and not acquired outright."

The Honourable Dewan Bahadur K. R. Godbole:—Sir,—Instead of moving resolution No. 9, I ask the indulgence of being permitted to move resolution No. 8 which also stands in my name. Unfortunately when it came up I was away for only a few seconds.

The Honourable the Vice-President (Sir G. Carmichael):—I cannot allow the honourable member that indulgence. As the honourable member was not present when the resolution was called, the resolution is dropped altogether.

The Honourable Dewan Bahadur K. R. Godbole:—Circumstances prevented me from coming just at the moment.

The Honourable the Vice-President (Sir G. Garmichael):—We cannot go back to resolution No. 8, and I rule that we must pass on to the consideration of resolution No. 9.

The Honourable Dewan Bahadur K. R. Godbole:—Sir,—the resolution that I wish to move reads thus (reads).

The cardinal principle of land tenure in this Presidency is that no one will be disturbed in the possession of his holding while he is paying Government assessment. So long as he pays the assessment, and the increased assessment when revised, to the Collector no one has the right of dispossessing him of his holding. That principle is highly valued by the country-side, and by all landholders and agriculturists in this Presidency. When this principle is departed from there is naturally great discontent and unrest. I would not say unrest, but there is great discontent. The provisions of the Land Acquisition Act go against this principle, and therefore, whenever Government have occasion to apply the provisions of the Land Acquisition Act the parties concerned are greatly dissatisfied. In the case of acquisition for such works as are obviously works of public utility, such as railways, roads, canals, irrigation tanks, dharamsalas, wells, hospitals, etc., where the advantages of the work requiring the land reach the whole mass of people, the dissatisfaction is not so pronounced and is not so marked. The parties concerned realize that land is being acquired in such cases for a purpose which is really a public purpose and which will benefit not certain individuals but the whole mass of population residing in the vicinity. The case is quite different when Government acquire land for the benefit of private companies. When cultivators see that lands are being acquired

LAND ACQUISITION FOR COMMERCIAL COMPANIES.

[6TH AUGUST 1920.] [*Dewan Bahadur K. R. Godbole.*]

for private commercial companies, they say to themselves, "What is Government doing? Here is a commercial company coming into our district and saying that they want 6,000 acres, and Government say, Oh, you want 6,000 acres; we will dispossess our tenants, we will remove them, and hand over the land you want to you," or, which comes to the same thing, "we will acquire the land ourselves and lease it to you for the period you want." The cultivator considers this to be a very strange proceeding in the face of the distinct understanding that no one will be interfered with in the possession of his holding so long as he pays the Government assessment. The position is one which the cultivator cannot understand. All the revenue officers of Government are aware of the feeling I am referring to. I am aware that the Industrial Commission, after going into and seeing the condition of things in India, have considered this question and they have laid down certain guiding principles. The main principle is that when land is indispensable for the development of an industry and the development of the industry is in the interests of the general public, then acquisition should be permitted. But they say that when land is acquired in such cases every endeavour should be made to give the same extent and description of land to the parties dispossessed as the land from which they have been turned out. They have said that as far as practicable this may be done. Now, I hold generally that in cases where companies require land for cultivation purposes, in order that the produce of those cultivated lands should be available to them for their factory operations, the case must be treated quite differently. Government should say to such a company: "Here, you want to get hold of certain lands. The lands belong to private tenants as occupants. You can take the lands from the parties concerned by purchase or lease. Government won't interfere in the matter." There are special industries, however, that are really required for the development of the country and for the good of the people which will not come into existence if particular lands cannot be made available for them. In such cases there will be a necessity, according to the recommendations of the Industrial Commission, for Government to interfere. Government will not, however, be justified in interfering in the case of existing industries and industries that are not new to the country. Take the case of sugar industry; there are sugar factories in this country; already there are sugar factories in the United Provinces and in Bengal, and elsewhere. The question is whether Government are justified in dispossessing cultivators of their lands, for the establishment of sugar factories in this Presidency under the provisions of the Land Acquisition Act. I do not think they are. The guiding principle in such cases should be that when such companies want land, for cultivation purposes, they should be asked to put themselves into communication with the ryots and acquire the land from them by purchase or on long lease or in any other way that may be found convenient by them. Government should only interfere in the case of new industries that are required for the development of the Presidency. When land has to be acquired for companies for new industries, Government should not acquire the land outright, but should assist the companies in getting the same on long lease. Our ryots hold to land as a legacy which they are extremely loath to part with. They have sentimental attachment to the soil which has come to them from their grand-fathers and great-grand-fathers. They will stick to their lands till the last moment at any sacrifice. In deference to this sentiment and feeling, what I say is, that land should not be taken away from these people outright but it should be leased from them. If the industrial companies are unable to lease it, the revenue officers of Government might interfere and negotiate for the lease. I hold that leases will be easily practicable, with the sword of this Land Acquisition Act hanging over the heads of cultivators. They all will readily agree to give their land on the lease system rather than lose it altogether under the provisions of the Land Acquisition Act. A commercial company wants 500 acres of land for cultivation purposes and Government make up their minds to give it to them. The Collector then approaches each cultivator concerned and tells him, "I want your land for this new factory. Government have decided that the factory should be established here and I want your land for the same. Shall I proceed with acquisition proceedings under the Land Acquisition Act, or are you willing to agree to lease the land for 50 years? The company wants the land for 50 years. I give you the alternative of leasing the land to the company on fair terms." I am quite sure that every cultivator concerned will agree to the second alternative. He will say, "All right, I agree to give the land to the company on lease. I do not want to give it outright; I will keep my ownership on the land." I think this is the proper position for Government to take in this matter. Considering the great discontent that arises from dispossessing landholders of their holdings, and the acute sentiments that they have as regards the holding of land, it should be the policy of Government to see that the discontent is reduced to a minimum by seeing that the land

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[*Dewan Bahadur K. R. Godbole; Mr. Purshotamdas Thakurdas.*] [6TH AUGUST 1920.]

is only leased when practicable and not acquired outright. Government should arrange to settle fair terms for the lease, and if the lease option fails, then only the provisions of the Land Acquisition Act should be made to apply. That is my contention. I am quite sure that in the case of the Belapur Syndicate even, where 6,000 acres have been acquired, if an alternative even at this stage is placed before the landholders of leasing their lands, they will readily accept the alternative. Compensation for land has been settled at present. Suppose "B" is to get Rs. 1,000. Now if "B" is approached by the Collector and told "You don't want to part with your land. Your land is valued at Rs. 1,000. I will ask the company to lease the land from you for 50 years and they will give you 6½ per cent. on the amount settled as compensation for your land, namely, Rs. 1,000. You will get Rs. 65 as rent for your land per year so long as it is required by this company." I am sure "B" will jump at the idea and accept it at once. What I want Government to do is that when a company requires land for cultivation purposes and when the land is not going to be swamped and obliterated altogether, as it will be in hydro-electric schemes, every attempt should be made to lease the land on long term leases rather than acquire it outright. If an attempt is made in connection with the Belapur dispossessed people, they will also, I think, agree to the alternative of leasing. They will have to be paid not less than 6½ per cent. on the amounts that have been settled as compensation. Government themselves borrow at 6 per cent. free of income tax, which means Rs. 6-6-0 per cent. If an offer of lease on the 6½ per cent. basis is made to the Belapur cultivators, they will, I think, accept this alternative at once. My proposition before the Council is that in cases where land is required for cultivation purposes every attempt should be made to obtain the same on long lease, and that the Land Acquisition Act should be resorted to at the last stage. With these remarks, sir, I place the resolution before the Council for their acceptance.

The Honourable Mr. Purshotamdas Thakurdas:—Mr. President,—I am afraid I have not been able to follow the Honourable Dewan Bahadur Godbole very clearly when he talked of the Collector sending for the manager of a sugar company and saying to him "Will you take the land on lease for 50 years?" The Honourable Dewan Bahadur Godbole said that you might offer the cultivator or landholder interest at 6½ per cent. on the capitalized value of the land as it may be estimated at the time. I should have thought, sir, that the Honourable Dewan Bahadur Godbole was one of those who believed that the Indian cultivator, the average cultivator, was a very poor man and paid a much higher rate of interest than 6½ per cent. I do not see how he reconciles that general opinion with his theory that the holder of land will be quite satisfied if, instead of getting a lump sum of, say, Rs. 400 or Rs. 500 in return for his land, with which he could go and buy other land elsewhere, he is given a sort of rental based on 6½ per cent. return. I am sure there must be some points in his speech which I unfortunately must have missed, for we are accustomed to very sound statements from the Honourable Dewan Bahadur Godbole, and I really fail to understand how he possibly expects the average poor landholder to be satisfied with 6½ per cent. return.

The Honourable Dewan Bahadur Godbole said that the great attachment of the ryot in the districts to the British Raj was that his tenure of land was secure, and that it could never be taken away from him. He said that the fact that land has been acquired for companies or syndicates has made the ryot very nervous. He almost used the word unrest.

The Honourable Dewan Bahadur K. R. Godbole:—I withdrew it.

The Honourable Mr. Purshotamdas Thakurdas:—I really wonder, sir, whether it would be better, in the interests of the ryot to tell him "Take Rs. 63 a year, whilst you have got to pay your sowcar perhaps Rs. 163 as interest on your debt", instead of giving him a lump sum, and asking him to go and settle his debt with the sowcar without any delay. I leave it to the Council to judge which is going to cause more discontent. I certainly think that if we ask the man to go to the office of the Collector once every year, to get Rs. 63, he will be more displeased than if we give him a lump sum.

The Honourable Dewan Bahadur Godbole also said that the ryot has great sentimental attachment to the land. We know that very well. But, if the honourable member had not postponed resolution No. 7 on to-day's agenda, the resolution on the question of subdivision of land being prevented beyond a certain point, I certainly would have liked him to reconcile his great solicitude for the sentiment of the ryot for the land where companies acquire land for industrial purposes, with his lack of sympathy for the ryot when he wants to make it impossible for the ryot to subdivide the land beyond a certain

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[6TH AUGUST 1920.] [*Mr. Purshotamdas Thakurdas; Rao Saheb H. D. Desai; Mr. R. P. Paranjpye.*]

minimum limit, which the honourable member advocates the legislature should fix. I fully realize that in the latter case he advocates it in the interests of the ryot himself and the return to the ryot on his land. I certainly expect the Honourable Dewan Bahadur Godbole to see that, after all, when Government do put the machinery of acquisition in motion for industrial purposes, they do not do it very lightly. They certainly go into the possibilities, they also examine very minutely whether it is necessary for a company to have land acquired, and I certainly think, sir, that it is hardly right that resolutions of such far-reaching effect should be considered in the Council in the manner in which they have been done last session, and are proposed to be done to-day. If the honourable member wants Government to give the ryot the option of doing it, I do not suppose Government would refuse to do it. I do not know what this resolution indicates. He has the words " as far as possible ", a very convenient phrase, and perhaps a harmless one. What I wish, sir, to bring out is that resolutions of a nature like this require very considerable enquiry and also opinion from the interests concerned, like chambers of commerce and other commercial bodies. I therefore fail to see my way to support the resolution.

The Honourable Rao Saheb H. D. Desai:—Mr. President,—I am inclined to think that this is a harmless resolution, and suggests a course of action to Government, which they may, in the circumstances stated, take into consideration. It is never likely to work to the detriment of the person holding the land. If the land is outright acquired from him, he suffers, but if it is leased from him, then certainly his interest is kept up, and in these days, I think, it is an alternative which Government may take into consideration in cases referred to in the resolution. I do not see any objection to such a resolution being accepted by the Council and placed forward for the consideration of Government.

The Honourable Mr. R. P. Paranjpye:—Mr. President,—I think the Honourable Dewan Bahadur Godbole has brought forward a very reasonable and simple resolution. The resolution is a recommendation to Government. He has already told us that the Collector, if he finds that the man is recalcitrant, and does not wish to lease out the land, can hold out before him the threat of acquiring the land outright, and when that threat is held over his head, I think, the man will accept the lesser evil of the two, and agree to let the land, at a reasonable rate.

The Honourable Mr. Purshotamdas Thakurdas shed very copious tears upon the amount of interest that the ryot has to pay to the Bania, at 25 to 30 per cent. But the man has got an alternative; if he finds that he is so far involved in debt, then he would sell the land outright. Of course he will tell the Collector " Acquire my land and give me the value of the land." But if he is not involved in debt, and has not got to pay heavy rates of interest to the money-lender, he will say " All right; I am prepared to let you have the land on lease for 50 years, and I will keep my right in the land." At the last session of the Council, when we debated upon similar matters, we were told that when the landholders, who are ignorant, get a lot of money, they immediately waste the money, and this will stop their extravagance. If we once accept the condition of giving him 6½ per cent. regular yearly income, there will not be so much money in his hands. He will have a regular and certain income for the next 50 years, and, I think, many agriculturists will be found who are prepared to accept this alternative.

The question is rather a large one, and I cannot help bringing to the notice of the Council the fact that there is a comparatively widespread fear that is entering into the minds of agriculturists. There is a feeling abroad that rich syndicates who are likely to have the ear of the Government more easily than poor agriculturists, are likely to crop up more and more in the future. Everybody, without considering the sentiment at all, understands that if land is cultivated on a large scale, by hundreds of acres rather than by units of acres, the land will give more profit. But the question before the agriculturist is not merely a question of money. The agriculturists have their sentiment in the land, and we want to preserve that love for the land as far as possible. We do not wish in this country, even though it is economically sound, to convert our Presidency at least into a large number of plantations, for a large number of syndicates, with the old landholders remaining merely as labourers on the land. That, I say, is the fear that is at the bottom of many of these complaints. I do not say that that fear is immediately justified. But there is no doubt at all that the recent acquisitions for these industrial purposes, have created a certain kind of panic. Take the district of Khandesh for instance, which the Honourable Mr. Curtis was telling us was one of the richest in the Presidency. An American syndicate or some other syndicate in Bombay might come round and want to

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establish a plantation, and they might tell Government "Cultivation there is not as efficient as it might be; give us the whole of Khandesh district, and we shall produce so much more, and pay you more land revenue than you get from the cultivators." It is an arguable proposition.

The Honourable the Vice-President (Sir G. Carmichael): —What companies is the honourable member referring to?

The Honourable Mr. R. P. Paranjpye:—I am talking of commercial companies. A syndicate may come forward and ask Government to buy out the whole of the Khandesh district, in order to work it as a cotton cultivating area. Are we prepared, although we might get more revenue, and the companies more profit out of it, to agree to such a course being adopted? These acquisitions for commercial development, or cultivation purposes have created this panic among the general public, and I want Government to do something that will allay it. Even the acceptance of a small resolution brought forward by the Honourable Dewan Bahadur Godbole will give the impression to the people that Government is not entirely unaware of the deep sentiment that attaches people to the soil, and I hope the Council will, therefore, accept the resolution.

I see just one difficulty. I am not a lawyer, but I feel that the Land Acquisition Act at present has got no definite compulsory clause for making people let their land out on lease. In the last resort of course there is compulsory acquisition, but before that is done, I wish to see that the ryots should be persuaded to let their lands on lease. I think that the proposal is sound, and I hope the Council will accept it.

The Honourable Mr. G. S. Curtis:—Mr. President,—I do not think there is very much to discuss in this resolution, nor is there any need for long orations. In fact, I think that the speech of the honourable member who moved the resolution might, with advantage, have been cut down to one-fourth of its length.

The cardinal principles laid down in the report of the Industrial Commission are, as I said at the last meeting of the Council, always observed. Government see whether the industry is indispensable, and whether it is the fact that if land is not given to the company, it is impossible for it to start the industry elsewhere, and whether there is any absolute necessity for these industries. The Honourable Dewan Bahadur Godbole asks that question, but he answers it both ways. He said no, and then he said yes. I do not think his remarks help us very much. But, sir, as a matter of fact, as I said, Government do not make use of the bludgeon clause against the present holders, unless it is absolutely necessary.

The Honourable Mr. Purshotamdas Thakurdas has rightly pointed out that the Honourable Dewan Bahadur Godbole is not quite so fair in the case of the legislation which he is so anxious that this Council should undertake. He proposes that every member of the family other than the only son is to be expropriated without mercy, and that he cannot have his holding below a certain area. That is my reading of the law, and I think that is what any lawyer would accept. Such legislation can only be described as unjust, brutal, cruel, and nothing less than that. You cannot have it both ways. Government always feel that they should do everything to avoid expropriation. In the Belapur case, Government did their very best to induce the ryots to accept other areas in exchange, or let some area in a different form, so as to enable the requisite area to be made available for the establishment of an important industry. Owing, however, to certain advice, the present holders refused, and there was practically no alternative for Government but to expropriate them. At the present moment attempts are being made, and will in future be made, to induce the ryots, if possible, to give leases to companies. The legal aspect of that particular proposal has not yet been examined and my cursory reading of the Land Acquisition Act is that that method of dealing with lands might be altogether irregular. Well, assuming that the lawyers pronounce in favour of it, Government have no objection to endeavour—they always do—to lease the land rather than expropriate the present holder. Moreover, at the present moment the whole subject of land acquisition for industrial purposes is under correspondence, and it is possible we may hear further proposals for legislation.

As far as the resolution is concerned, Government will always acquire land for industries to set up. They are not concerned whether the title of private owners to land is good enough or not. All that they are concerned is whether the land acquisition will result in the establishment of the industries. The only question is, of course, whether a particular concern is going to be a sound one. That is a difficult question. The honourable member gives no assistance in the solution of it. I think I must leave the subject there.

LAND ACQUISITION FOR COMMERCIAL COMPANIES.

[6TH AUGUST 1920.] [*Mr. G. S. Curtis; Dewan Bahadur K. R. Godbole; Mr. Purshotamdas Thakurdas; the Vice-President.*]

We will endeavour, as far as we can, to steer a middle course between the denunciations by the Honourable Mr. Paranjpye of the capitalists on the one hand, and the protests of the Honourable Mr. Purshotamdas Thakurdas and the Honourable Mr. Sethna on the other, who will no doubt say that we are restricting the activities of industrial concerns. The question is extraordinarily difficult, and Government will always give due consideration to arguments on both sides. With these remarks I will ask the honourable member to withdraw his resolution.

The Honourable Dewan Bahadur K. R. Godbole:—Mr. Chairman,—The only members that have spoken rather doubtfully about the proposals that I have placed before the Council are the Honourable Member in Charge and the Honourable Mr. Purshotamdas Thakurdas. Perhaps in my speech I did not make it quite clear that in the case of the Belapur Syndicate I would certainly give an option to the dispossessed landholders: they might take the amount settled or take 6½ per cent. on the amount as rent, whichever they wish, and I am quite sure that if I am allowed at this stage to go to the ryots and to make this alternative offer, half the number of cultivators, if not more, will agree to the rent proposals.

The Honourable Mr. Purshotamdas Thakurdas:—May I ask what happens at the end of 50 years?

The Honourable Dewan Bahadur K. R. Godbole:—Then the land goes back to the cultivator. That is exactly the point; because if the company goes *fut*, as some of these companies are likely to in the near future, then. . . . . .

The Honourable the Vice-President (Sir G. Carmichael):—I hope the honourable member will continue to use parliamentary language.

The Honourable Dewan Bahadur K. R. Godbole:—What I mean is that when the company ceases its operations, the landholder has the right of getting back his land. That is the thing that he values most of all, and it is that that will prevail upon him to lease the land rather than to give it up altogether. He says to his brother villagers: "You see, I have not been dispossessed of my land. I have leased my land to the Belapur Company, and they are prepared to give Rs. 65 per year for my land, which Government value at Rs. 1,000. I will take the Rs. 65 every year and at the end of 50 years I will have the land back." That is the sentiment that appeals to the ryot. If even at this stage I am allowed to go as an emissary on behalf of Government, I am quite sure that half the dispossessed landowners, if not more, will agree to this 6½ per cent. rent basis lease. Perhaps it may be news to the Honourable Mr. Purshotamdas Thakurdas to learn that the attachment of the people to the soil and the pride of being the owner of a piece of land is so strong that I have seen new men coming to settle on agricultural lands and purchasing land which they know would never give them more than 1½ per cent.

The Honourable Mr. Purshotamdas Thakurdas:—I know it very well. It is no news to me.

The Honourable Dewan Bahadur K. R. Godbole:—That being the feeling of the cultivator, I am surprised at the attitude which the Honourable Mr. Purshotamdas Thakurdas has taken. The feeling is so deep among the people that they do not like to be dispossessed, and rather than be dispossessed they will readily agree to an alternative proposal of a lease.

I do not think there is anything else for me to say but only to remark that the resolution that has been placed by me before the Council has been practically admitted by the Honourable Member in Charge, because he said that Government will always try to proceed on the lines indicated in the resolution. I am aware that the Land Acquisition Act does not lay down any clauses based on the principle of a lease. There is no provision in the Land Acquisition Act as regards the leasing of land. But as I have been telling this Council, the sword of Damocles in the form of acquisition is hanging over the land-owners, and immediately an alternative of leasing is offered, they will at once agree to the leasing. And if that is agreed to, a large amount of discontent that is on the country-side will decidedly decrease. I, therefore, strongly urge that Government should accept my resolution without any modification.

The Honourable the Vice-President (Sir G. Carmichael):—It is rather too late to discuss any modifications of the resolution. My honourable colleague has indicated the

LAND ACQUISITION FOR COMMERCIAL COMPANIES— FEES OF LAW STUDENTS.

[*The Vice-President; Dewan Bahadur K. R. Godbole; Rao Saheb H. D. Desai; Mr. S. B. Upasani; Sir Ibrahim Rahimtoola.*] [6TH AUGUST 1920.]

attitude of Government that they will do as much as they can to prevent any hardship on the part of ryots, so far as conditions will permit, and will observe the condition that land will be taken only when absolutely necessary for an essential industry in this Presidency.

The Honourable Dewan Bahadur K. R. Godbole:—Before you put the resolution to the vote, sir, I wish to say one word. I have considered the matter further and with the partial assurance that we have had from Government, I am prepared to withdraw the resolution.

The resolution was by leave withdrawn.

The Honourable the Vice-President (Sir G. Carmichael):—Resolution No. 18. The Honourable Mr. Upasani.

"This Council recommends to His Excellency the Governor in Council that the fees at present charged to law class students be reduced by one-half."

The Honourable Rao Saheb H. D. Desai:—Are we not sitting since 11?

The Honourable the Vice-President (Sir G. Carmichael):—I beg the honourable member's pardon.

The Honourable Rao Saheb H. D. Desai:—We have been sitting from 11 a.m. Can we not keep the rest of the business for to-morrow?

The Honourable the Vice-President (Sir G. Carmichael):—Yes, but we are now going on with resolution No. 18.

The Honourable Mr. S. B. Upasani:—Mr. President,—While moving my resolution at the last Council meeting for the opening of new law classes at Poona, Ahmedabad and Karachi, I referred particularly to the hardships which the law students experience in Bombay owing to the excessive cost of living and the serious difficulty of obtaining house accommodation. I, therefore, need not dwell at great length on those points. As my resolution at the last meeting was not carried, I now propose that some relief may be given to these hard pressed students in the form of a reduction of their fees. Now, all the colleges cost a great deal to Government, but the Law College in Bombay is the only institution which not only pays its own cost, but brings surplus income to the coffers of Government. I do not think it proper that the students should be made to pay more than what it costs Government to provide for their education. In this case, the fees collected considerably exceed the amount of expense. In the case of the Engineering College the fee receipts are shown in this year's budget estimate at Rs. 20,000 whereas the expenses stand at Rs. 1,89,974; in the case of the College of Commerce, the fees are shown at Rs. 26,000 and the expenses at Rs. 1,02,408 this year, and the expenditure for these colleges stood at Rs. 1,36,656 and Rs. 88,925 in 1918-19. In the case of the Law College the expenses came to only Rs. 42,816 in the amounts for 1918-19, and this year they are expected to come to Rs. 59,288, whereas the fees came to Rs. 65,000 in 1918-19 and this year are estimated to come to Rs. 77,000. Thus it will be seen that while the College of Commerce costs 4 times the income from fees, and the College of Engineering more than 9 times, the law class fees cover its whole expense and yield a profit to Government. This would appear to be the more significant when it is noted that all the other colleges are whole time institutions, whereas the law class is a part time institution in which instruction is given for only an hour in the day. For that one hour the students have to go long distances from their residence to the Elphinstone College . If the reduction which I propose is made in their fees, that will cover the tram fare required for going to the College, and they would then go in trams instead of on foot as they do at present. The reduction will not mean any serious loss to Government, especially when no hostel accommodation is provided for the students, and they have to stay in Bombay and pay high rents and to incur the high cost of living in the city. I hope, therefore, that this small relief that I press for them will be allowed.

The Honourable Sir Ibrahim Rahimtoola:—Sir,—I am sorry Government cannot accept this resolution at this stage. I pointed out in speaking on the Honourable Mr. Kamat's resolution that it would hardly be right to lay down any new policy at this stage of the Council's term of office. Education is a transferred subject, and so far as the next budget is concerned, we must leave the hands of the Minister free both in regard to the revenue that is obtained by the department and in regard to the expenditure which will have to be incurred. We can now only carry out, as far as possible, the requirements of education within the amounts which have been provided in the present budget.

FEES OF LAW STUDENTS—DIVISION OF KHANDESH.

[6TH AUGUST 1920.] [*Sir Ibrahim Rahimtoola; Mr. S. B. Upasani; the Vice-President; Rao Bahadur S. D. Garud.*]

This resolution raises a question of principle as to the fees to be charged to the law school students and necessitates a reduction of revenue. On the general grounds of reform alone, this resolution should be rejected. I propose, however, to deal with the merits of the case to show to honourable members that in addition to the question of principle to which I have referred, there is no case for it on merits. The honourable mover bases his case on the ground that in the working of the institution there is a profit. I should like to ask honourable members to consider in the first instance whether there is actually any profit or not. It is perfectly true that according to the published statistics there is a so called profit of Rs. 18,000. I have got the latest figures showing the fee receipts for 1920-21, and they amount to Rs. 79,000 and the expenditure is shown at about Rs. 59,000. That would show a profit of about Rs. 18,000. But is that a real profit? Honourable members have got to bear in mind that the law school is held in the Elphinstone College building and, therefore, no charge for rent is debited to this institution. The Council can well understand that if the law school is located in a building of its own, it would cost a heavy capital expenditure or a very high rent. To calculate profit and loss on a mathematical basis, proportionate charge of the Director of Public Instruction's Department, and other supervising charges will have to be added in addition to a charge for occupation of a building. The item of rent alone would swallow up more than Rs. 18,000 which is represented as profit. Government do not propose to deal with this question in any niggardly spirit. This will be evidenced by the fact that a Government Resolution No. 217 was issued in 1899 to the effect that the surplus income of the school should be held available for expenditure on the law school. It will be observed that Government do not propose to prepare a balance sheet on the lines mentioned but have kept this amount available for the benefit of the school alone. Amongst the needs of the school are a building of its own and additional hostel accommodation. Efforts have been made in the past and it has been found that the total cost of erecting a building for the school and hostel comes to Rs. 78,000. I am sure honourable members will agree that it is much better to spend this money on providing hostels and building rather than in the direction of reducing the fees. The fees levied in this school are lower than those in any Government college. The first LL.B. students are charged Rs. 90, and the second LL.B. Rs. 100 per year. This charge compares very favourably with the fees levied in other institutions both for arts and professional teaching.

Another point for consideration is that there is already a very large demand on the existing accommodation and any reduction of fees may result in more applications for admission, which cannot be accepted. The greater need of the institution is additional accommodation and not more applications at present.

For these reasons both on the ground of principle which I have explained, and on the merits of the case, I hope, honourable members will reject the resolution.

The Honourable Mr. S. B. Upasani:—Sir,—I am thankful to the Honourable Member in Charge for assuring us that the surplus income received from the fees is being earmarked for being spent on the needs of the school. But that does not appear in the budget.

The Honourable Sir Ibrahim Rahimtoola:—I have quoted the Government Resolution No. 217 of 1899.

The Honourable Mr. S. B. Upasani:—I was not aware of the resolution as it has remained a dead letter for so many years.

As regards the fees not being heavy they may not be comparatively heavy, but we have to bear in mind that in this college instruction is given for only an hour, while the other colleges are full time colleges. However, in view of the assurance given that the amount that is being accumulated will be utilized for the immediate needs of the college, I beg leave to withdraw this resolution.

The resolution was by leave withdrawn.

The Honourable the Vice-President (Sir G. Carmichael):—Resolution No. 22. The Honourable Rao Bahadur Garud.

"This Council recommends to His Excellency the Governor in Council that a committee be appointed to consider the question of readjusting the existing division of Khandesh for revenue and judicial purposes."

The Honourable Rao Bahadur S. D. Garud:—Sir,—I beg to be permitted to postpone this resolution to the next session.

The resolution was by leave postponed.

[*The Vice-President.*] [6TH AUGUST 1920.]

The Honourable the Vice-President (Sir G. Carmichael):—The Council will now adjourn till 11 o'clock to-morrow.

The Council then adjourned till 11 a.m. on Saturday, the 7th August 1920.

By order of His Excellency the Honourable the Governor,

G. DAVIS,
Secretary to the Legislative Council
of the Governor of Bombay.

Journal of the Proceedings of the Legislative Council of the Governor of Bombay, assembled under the provisions of the Government of India Act, 1915.

The Council re-assembled on Saturday, the 7th August 1920, at 11 a.m. at the Council Hall, Poona.

PRESENT:

His Excellency Sir GEORGE AMBROSE LLOYD, G.C.I.E., D.S.O., Governor of Bombay, *President.*

The Honourable Sir GEORGE CARMICHAEL, K.C.S.I., I.C.S., *Vice-President.*

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

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

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

The Honourable Mr. J. G. COVERNTON, C.I.E.

The Honourable Rao Saheb HARILAL DESAIBHAI DESAI, LL.B.

The Honourable Mr. R. E. ENTHOVEN, C.I.E., I.C.S.

The Honourable Major C. FERNANDES, M.D., F.C.P.S., I.M.S.

The Honourable Rao Bahadur SIDDHANATH DHONDDEV GARUD.

The Honourable Dewan Bahadur KASHINATH RAMCHANDRA GODBOLE.

The Honourable Mr. G. W. HATCH, I.C.S.

The Honourable Major-General W. E. JENNINGS, M.D., I.M.S.

The Honourable Mr. BALKRISHNA SITARAM KAMAT.

The Honourable Mr. H. P. W. MACNAGHTEN.

The Honourable Khan Bahadur PIR BAKSH walad MIAN MAHMUD, C.I.E.

SCHOOL TEACHERS' PROVIDENT FUND—MUNICIPAL EDUCATIONAL EXPENDITURE.

[*The Vice-President; Mr. B. S. Kamat; Sir Ibrahim Rahimtoola; Mr. S. B. Upasani.*] [7TH AUGUST 1920.]

The Honourable Mr. P. J. MEAD, C.I.E., I.C.S.
The Honourable Mr. CHUNILAL VIJBHUKHANDAS MEHTA, LL.B.
The Honourable Sardar SHRINIWAS COOPOOSWAMI MUDLIAR.
The Honourable Rao Bahadur VENKATESH SHRINIWAS NAIK.
The Honourable Mr. GOKULDAS KAHANDAS PAREKH, LL.B.
The Honourable Mr. ABDUL KADIR *alias* FAKIR MAHOMED walad IBRAHIM KHAN PATHAN.
The Honourable Sir DINSHAW MANOCKJEE PETIT, Bart.
The Honourable Mr. MUNMOHUNDASS RAMJI.
The Honourable Mr. L. ROBERTSON, C.S.I., I.C.S.
The Honourable Rao Bahadur GANESH KRISHNA SATHE, C.I.E.
The Honourable Mr. PHIROZE C. SETHNA, O.B.E.
The Honourable Mr. H. O. B. SHOUBRIDGE, M.Inst.C.E.
The Honourable Mr. PURSHOTAMDAS THAKURDAS, C.I.E., M.B.E.
The Honourable Mr. E. G. TURNER, I.C.S.
The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI.

The Honourable the Vice-President (Sir G. Carmichael):—Discussion of matters of general public interest. Resolution No. 25. The Honourable Mr. Kamat.

"This Council recommends to the Governor in Council that Government may be pleased to take steps (a) to provide for the benefit of primary school teachers a provident fund, (b) to fix a scale of contributions thereto, and (c) to allow the teachers an option, either to avail themselves of the provident fund or the existing pension system."

The Honourable Mr. B. S. Kamat:—Mr. President,—May I know if this question is open to discussion on merits or whether in view of what was stated by the Honourable Member in Charge of the department it is worth while discussing it now?

The Honourable Sir Ibrahim Rahimtoola:—Sir,—Government have no objection to allowing a discussion if the honourable member so desires, but I would explain to him that the question of starting a provident fund for non-pensionable teachers is now under the consideration of Government. When that takes place, it will be open to the Ministers to consider whether the pensionable teachers should be given the option of pension or provident fund. But nothing can be done at present. Government have at present under consideration the question of starting a provident fund for non-pensionable teachers and nothing, I think, will be decided till the Ministers have taken over charge and have dealt with the whole problem.

The Honourable Mr. B. S. Kamat:—If Government, while they are considering the question of non-pensionable teachers, will also give an assurance that this suggestion of mine will be considered, I am prepared to withdraw my resolution.

The Honourable Sir Ibrahim Rahimtoola:—It will be considered by the Ministers and not by Government.

The Honourable Mr. B. S. Kamat:—In view of what has been stated, I think it is not desirable to press the resolution at this particular time. I, therefore, ask for leave to withdraw it.

The resolution was by leave withdrawn.

The Honourable the Vice-President (Sir G. Carmichael):—Resolution No. 19. The Honourable Mr. Upasani.

"This Council recommends to His Excellency the Governor in Council that Government be pleased to share two-thirds of the expenditure incurred by municipalities on education."

The Honourable Mr. S. B. Upasani:—Mr. President,—With your permission I will postpone this resolution.

The resolution was by leave postponed.

CHILDREN OF SCHOOL TEACHERS.

[7TH AUGUST 1920.] [*The Vice-President; Mr. B. S. Kamat; Mr. S. B. Upasani; Mr. J. G. Covernton.*]

The Honourable the Vice-President (Sir G. Carmichael) :—Resolution No. 26. The Honourable Mr. Kamat.

"This Council recommends to the Governor in Council that Government may be pleased to direct that the boys of primary school teachers studying in municipal or local board primary schools, so also boys and girls of these teachers studying in secondary schools and colleges, whether Government or aided, be exempted from the payment of fees."

(At this stage His Excellency the President entered and occupied the chair.)

The Honourable Mr. B. S. Kamat :—Your Excellency,—I take it that the suggestion contained in this resolution does not open as large a question of policy as the suggestion contained in the previous resolution standing in my name. This resolution proposes to give a concession to the children of the primary school teachers whose condition, so far as the finances are concerned, is so well known to all of us. The suggestion contained in the resolution is that Government should be pleased to direct that children of primary school teachers, whether studying in municipal or local board schools, or secondary schools or colleges, should be exempted from fees. I know there was a strong feeling among the primary teachers when they held their conferences in this district and elsewhere that such a concession should be given in favour of their children, and in consideration of the very hard lot of the primary teachers, so far as their poor salaries are concerned, if Government are pleased to give them this liberal concession, I believe, they will be conferring on these hard worked public servants a great boon. I do not think many words are necessary to commend this resolution both to Government and the Council, and I have great pleasure in moving it.

The Honourable Mr. S. B. Upasani :—Your Excellency,—I wish to heartily support the resolution. The prayer embodied in this resolution is a very modest one and, I hope, it will be readily granted in the interests of the schoolmasters, who are paid very poor salaries, especially in the local board and municipal schools, and in the numerous aided institutions for primary and secondary education. This relief is absolutely necessary, particularly in the case of students who join secondary schools and colleges and have to pay high rates of fees. I hope, therefore, that the concession prayed for will be granted.

The Honourable Mr. J. G. Covernton :—Your Excellency,—This resolution is not unlike the one which was brought yesterday, and some of the objections which apply to that resolution apply to this also. On the surface it seems a plausible resolution, and naturally the Director of Public Instruction would be the last person to wish to put any obstacle in the way of concessions to teachers. But when you come to look into it a little more closely, I think, you will see that there are difficulties. In the first place, I may point out that concessions of a similar kind are granted to the children of mistresses. It is natural, I think, and only right that special consideration should be shown to female teachers. The profession of teaching in this Presidency is not one that naturally attracts them and we have great difficulty in getting a good class of woman to come forward as teachers, and when we have got a good woman and a trained mistress, we do not want to lose her because she is married, and therefore we want to make such concessions as will induce married female teachers to remain in the profession. But the case is not the same with the ordinary teacher, the male. There are a large number of them and there are other ways of meeting the difficulties that they may suffer. In the first place, the obvious way of providing for teachers is not by giving them special concessions of this kind, but by giving them pay which will enable them to live decent lives and bring up their children in conformity with reasonable ideals and ambitions. We have recently improved the pay of the teachers to a certain extent and schemes are under consideration for further improvements which, if approved, will bring very solid relief, I trust, to all concerned. Again, there are teachers and teachers. I do not quite gather from the resolution whether we are supposed to grant these concessions to all teachers or whether it is meant that they should be given only to teachers who are in some sort of public service, either directly under Government or under the local boards or under municipalities. My own impression is that the honourable member intended to restrict his concession in the way that I have indicated; but, if so, it hardly seems fair to teachers of aided schools. On the other hand, if we are to deal with teachers in aided schools, we are put in a very great difficulty. These teachers come and go; sometimes they are doing teaching and at other times they are in an office; at other times again they are reading for the bar and occasionally, when they are supposed to be engaged in teaching, they are doing other work in addition. It would, therefore, be very difficult to find out whether a man was a *bona fide* teacher at the time when he applied for the concession,

CHILDREN OF SCHOOL TEACHERS.

[Mr. *J. G. Covernton*; *Rao Saheb H. D. Desai*; *Dewan Bahadur K. R. Godbole*; *Sir Ibrahim Rahimtoola.*] [7TH AUGUST 1920.]

and still more so to say that he remained a *bona fide* teacher throughout the period when his children were under instruction. I do not think that we could apply the concession to the teachers of aided schools. At the same time it would be wrong to grant it to one class and not to another. Again, we have the difficulty that the funds of aided institutions have to be considered. I pointed out these difficulties yesterday, and it is exactly the same in this case as it was in the other. If you exempt from fees the children who attend aided schools, then aided schools have naturally got a right to compensation, and that compensation would eventually amount to a very considerable item, and at the same time it would be rather difficult to assess the incidence of it.

Lastly although, as I said at the beginning of my remarks, I am in favour of doing all that can reasonably be done for teachers, I do not myself personally feel convinced that because a man is a teacher, therefore he should claim the right to send his son or daughter to any school free. I know that in certain professions concessions of that kind are made. I understand that in the railway they get passes, and again doctors will often attend the families of brother doctors free. But I do not think the case is quite the same in this instance. We do not find for instance that a grocer expects to get his groceries free from another grocer, or his meat free from the butcher. In the same way, I do not quite see why, because a man is a teacher, he should expect to be able to send his children to any school, and get them educated free. For these reasons, therefore, your Excellency, I oppose this resolution.

The Honourable Rao Saheb H. D. Desai :—Your Excellency,—After the remarks made by the Honourable the Director of Public Instruction, I think it is not opportune to press this resolution now. The revision of the salaries of the teachers is shortly coming up, and after that event happens, if their resources are still very limited, this Council can very well consider the question thereafter, but to forestall that event would not be proper, because it may come in the way of a proper revision of their salaries. Therefore, in the interests of the teachers themselves, I would request the honourable mover of the resolution to just wait until the revision of the teachers' salaries comes up.

The Honourable Dewan Bahadur K. R. Godbole:—Your Excellency,—I also cannot see my way to support the resolution that has been placed before the Council by the Honourable Mr. Kamat. The right step to take in this matter is to put schoolmasters on proper level as regards their pay. Attempts are being made to raise the salaries of primary and other school-teachers, so as to put them on the same status as their compeers in other walks of life, and when the taxpayer does this, I do not see why the teachers should get any special concessions. The teachers should be treated as regards pay exactly like their compeers in the other branches of the public service. All that can legitimately be claimed for them is adequate salaries, and when the taxpayer pays these salaries, I do not think that the principle of giving additional concessions in the way that is sought for in this resolution would be right. As pointed out by the Honourable Mr. Covernton, if, because they are teachers, we allow them to have their children educated free, I do not see why engineers in Government service should not press a similar claim and ask that their sons should be educated free in the engineering college, or why doctors in Government service should not claim that their sons should be educated free in the medical college. On these grounds, I cannot see my way to support this resolution.

The Honourable Sir Ibrahim Rahimtoola:—Your Excellency,—I hope the Honourable Mr. Kamat will be satisfied with the explanation which the Honourable Mr. Covernton has given, and that he will agree that it is undesirable to raise this question now. The real remedy, as has been pointed out, is to revise the pay. To introduce this form of relief would lead to many complications in various directions. As a matter of fact, the pay of primary school-teachers was revised within recent times. But there is considerable force in the agitation which is still carried on that the present revision is inadequate. Government have under consideration fresh proposals for further revising their salaries, and the amount involved is a very heavy one. This Government, as has been previously pointed out, cannot deal with this problem within the means at their disposal under the present budget provisions, and therefore, the question will have to be tackled immediately by the Minister when he takes over charge. He will have to allocate the funds which he will obtain in various directions in connection with education. The further revision of

CHILDREN OF SCHOOL TEACHERS—SUNDAY CLOSING.

[7TH AUGUST 1920.] [*Sir Ibrahim Rahimtoola; Mr. B. S. Kamat; the President; Mr. G. S. Curtis.*]

the pay of primary school-teachers will be the immediate problem which he will have to solve. That being so, I hope the honourable member will not press his resolution.

The Honourable Mr. B. S. Kamat:—Your Excellency,—With reference to the analogy quoted by the Honourable the Director of Public Instruction, namely, that of the children of midwives and school mistresses, I wish to point out that facilities like this are given not only in the case of females, but I understand, also in the case of children of Indian soldiers. If children of Indian soldiers are given similar concessions, I venture to think that the children of the primary teachers also deserve a concession.

With reference to his remarks regarding the difficulty about aided schools, if necessary, I am willing that this concession should be granted, in the first instance, in the case of Government schools only.

Regarding the general argument that I should wait till a further revision comes into force, I appreciate the force of that argument. I am glad to hear that the teachers are likely to get a further revision in a short time.

The Honourable Sir Ibrahim Rahimtoola:—That will depend upon the Minister.

The Honourable Mr. B. S. Kamat:—Till then, I think it is not worth while pressing this resolution. It is only a few months hence, and I, therefore, wish to withdraw it.

The resolution was by leave withdrawn.

His Excellency the President:—Resolution No. 27. The Honourable Mr. Kamat.

"This Council recommends to the Governor in Council that Government may be pleased to direct that all country liquor shops be closed on Sundays."

The Honourable Mr. B. S. Kamat:—Your Excellency,—With reference to this resolution, may I ask the Honourable Member in Charge whether this opens up a question of policy?

The Honourable Mr. G. S. Curtis:—It is open to the honourable member to discuss it; whether there is any advantage to be gained, I cannot say.

The Honourable Mr. B. S. Kamat:—Your Excellency,—This is simply a resolution in the interests of the poorer classes of the people. I do not think it is an opportune time for this Council to-day to go into the question of the figures of the consumption of country spirits. But I think that it is necessary to put into force certain constructive measures, in order to check the consumption of liquor.

I have figures to show that owing to the present system, although we have been told that the consumption of liquor has gone down by 2 per cent. during the last ten years, still as there is no restriction whatever on the maximum selling price, the result is that the shopkeeper exploits the consumer. Therefore, although the principle of Government is to impose a very high incidence of taxation, I regret that it has not had the desired effect, namely, to check the consumption which we all wish to have. If we refer to the last annual report of the Excise Commissioner, it will be seen that in spite of the fact that Government have enhanced the still head duty, and the heavy prices charged by the licensee to the consumer .....

The Honourable Mr. G. S. Curtis:—Will the honourable member be kind enough to say in what districts of the Presidency the still head duty was increased last year?

The Honourable Mr. B. S. Kamat:—The general policy of Government has been to increase it from year to year. As I said, although there has been an enhancement of the duty, still the consumption of intoxicants, if not of country spirits alone, namely, toddy and other things, is not checked. The last report of the Excise Commissioner tells us that after the introduction of the auction system, although the consumption of country spirits has gone down by something like 184,000 gallons, still the consumption of toddy has gone up by 500,000 and odd gallons. That is to say, although the result of the enhancement of the duty is to check consumption of country spirits, because of the very high prices charged, still people go in for toddy drinking, and after all, although there is a reduction on the one side of 184,000 gallons, on the other side there is an increase of 500,000 odd gallons. However, I do not want to go into all these elaborate figures at the present moment.

One of the ways by which consumption can be reduced is, I think, the closing of the liquor shops on Sundays. I wish that Government should give a trial to this experiment, and I hope that my resolution will be acceptable to the Council.

SUNDAY CLOSING.

[*Mr. R. E. Enthoven; Rao Saheb H. D. Desai; Mr. G. S. Curtis; Mr. B. S. Kamat.*] [7TH AUGUST 1920.]

The Honourable Mr. R. E. Enthoven:—Your Excellency,—I had occasion to remark yesterday that resolutions dealing with excise policy at the present moment seemed academic, because our hands are tied for the next few months by the fact that we have auctioned the shops up to the end of March, and therefore, even if any change was thought to be desirable, we are not in a position to introduce it. As I pointed out before, by the end of March, these excise questions will be dealt with by another authority, and therefore it seems undesirable to discuss them at present. It seems to me that the Honourable Mr. Kamat does not take those remarks to heart.

This proposal to close liquor shops on Sundays could hardly be introduced during the term of the present contracts, because it will inflict a heavy loss on the shopkeepers. It will involve compensation, and, therefore, loss to Government. If the Honourable Mr. Kamat means that after the end of March next we should adopt a system of Sunday closing throughout the Presidency, I say that that is a question which we had better not discuss. After the end of March next, we might be required to adopt a system of closing the shops from Monday till Saturday. I do not think that it is likely, and I do not think that it is desirable. My point is, that is not a question that we can discuss now, and I hope that the Honourable Mr. Kamat, when he replies, will withdraw the resolution, and take another opportunity of bringing it forward in a place where the results will be more fruitful.

The Honourable Rao Saheb H. D. Desai:—May it please your Excellency,—I am inclined to think that the principle underlying the resolution is not open to question, and there should be no serious difficulty in accepting this resolution as an indication of the policy of the members of this Council. If it cannot be immediately put into effect, it may be done so later at a convenient time. But it would not be proper for that reason to wait until March next for the reformed council, and not to express an opinion upon the subject now. I, therefore, heartily support the resolution.

The Honourable Mr. G. S. Curtis:—May it please your Excellency,—It will be within the recollection of this Council that yesterday I moved an adjournment of the discussion of another question of excise policy—the desirability of instituting a board of liquor control. On that occasion the Council endorsed my view that it was not desirable, for the reasons which have already been stated by the Honourable Mr. Enthoven, to start discussion on questions of excise policy in view of the fact that from 1st December onwards the excise portfolio would be transferred to the incoming Minister. On that ground I would urge the Council to reject this resolution. Beyond that, I would add that a deeper question is involved than purely excise policy. Sunday after all is a Christian holiday. There is no particular reason in foisting upon this country, in the mofussil at any rate, the closing of shops on Sunday. If it is accepted as an item of policy that consumers are to be able to indulge in liquor on other days, I do not see why on Sunday only they should be compelled to go without. The case may be different in Bombay where a large number of the labouring classes, millhands, do not work on Sundays. It is not so upcountry where the closing day for the labouring classes is something different. This is, however, a minor matter.

In view of the fact that discussion on questions of excise policy should at present be deferred to the new Council, I would ask this Council to reject the resolution.

The Honourable Mr. B. S. Kamat:—Your Excellency,—If it is contended that because a few months hence we shall have Ministers for Excise and Education, therefore, no question relating to these subjects is to be discussed now in this Council, then there is an end of the matter. But at the very beginning I asked the Honourable Member in Charge whether on merits of the question it was permissible to discuss this resolution, and on his reply in the affirmative, the discussion of this resolution was proceeded with. I do not think we should be deterred from discussing the merits of the question for the simple reason that even if it is a recommendation from this Council to the next Minister, it is open to him to accept it or throw it away. Just as all other departmental matters are going on undeterred by the fact that a few months hence Ministers are going to come in, similarly I do not think there should be a block placed on this question of excise also. The machinery of this Council, as I said, ought to go on until it comes to an end, whether recommendations are accepted or not. If they actually interfere with the policy of Government, then it is an entirely different matter.

Now, regarding what fell from the Honourable Member in Charge as to Sunday closing, I insisted upon Sunday not because it is a Christian holiday, but because there should be no drinking one day out of the week. Whether it is Sunday or Friday, I don't

[7TH AUGUST 1920.] [*Mr. G. S. Curtis; Mr. B. S. Kamat; the President.*]

mind. As long as we insist upon the reduction of consumption, I think, we shall be carrying out a constructive policy of excise.

The Honourable Mr. G. S. Curtis :—Am I to understand that the honourable member's resolution also applies to European liquor shops?

The Honourable Mr. B. S. Kamat :—My wording of the resolution refers to country liquor shops.

The Honourable Mr. G. S. Curtis :—Then, all European liquor shops will remain open?

The Honourable Mr. B. S. Kamat :—I do not mind if they do.

So, as a matter of policy towards the reduction of the consumption of liquor, I wish that this recommendation should be considered by Government, that out of 7 days of the week, there should be at least one day when country liquor shops should not be open, which will indirectly help the reduction of liquor consumption, so far as the labouring classes, at any rate, are concerned.

The resolution was put to the vote and lost.

BOMBAY TOBACCO BILL.

His Excellency the President:—A Bill to amend the law relating to the duty payable on tobacco and to the import, transport, retail sale and warehousing thereof in the City of Bombay (Bill No. IV of 1919).—Second reading. The bill is postponed under Rule 6 until the next meeting.

His Excellency the President:—Gentlemen,—Before adjourning this session of this Council I desire to express the hope that all honourable members will, in the intervening period between now and the time this Council re-assembles, study to the best of their ability the large and comprehensive proposals that have been laid before this Council, so that when we meet next time these proposals may meet, as I hope, with practically unanimous support. And I desire also to take this opportunity of expressing how much we owe in the matter of these housing proposals to the energy and knowledge of my honourable colleague on my left, the Honourable Mr. Curtis. He, for years past, has made a special study of the infinite complexities of this question, and had it not been for the accumulated information and the inspired energy with which he has studied these proposals, it would have been absolutely impossible for me to bring them before this Council even after eighteen months. I think that this Council owes a very great debt of gratitude to my honourable colleague, probably far more than they know, for the immense devotion and skill which he has shown in working up one of the largest housing problems that have been ever contemplated by any Government. (Cheers).

Gentlemen, this Council will now adjourn.

The Council then adjourned *sine die*.

By order of His Excellency the Honourable the Governor,

G. DAVIS,

Secretary to the Legislative Council
of the Governor of Bombay.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

The

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PUBLISHED BY AUTHORITY.

SATURDAY, 25TH SEPTEMBER 1920.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Proceedings of the Council of the Governor of Bombay.

Secretariat, Fort, Bombay, 24th September 1920.

No. 2282-*L*.—With reference to the foot-note to the Report of the Select Committee appointed to consider Bill No. IV of 1920 (a Bill to provide for the extension of primary education in the City of Bombay) published in the *Bombay Government Gazette*, Part V, dated 8th September 1920, it is hereby notified that the Honourable Sir DINSHAW M. PETIT, Bart., the Honourable Mr. S. K. BARODAWALLA and the Honourable Mr. MUNMOHUNDASS RAMJI have intimated their approval of the report as published.

No. 2283.-*L*.—With reference to the foot-note to the Report of the Select Committee appointed to consider Bill No. XII of 1920 (a Bill further to amend the Bombay Port Trust Act, 1879), published in the *Bombay Government Gazette*, Part V, dated 1st September 1920, it is hereby notified that the Honourable Mr. S. K. BARODAWALLA has intimated his approval of the report as published.

By order of His Excellency the Honourable the Governor.

G. DAVIS,

Secretary to the Legislative Council of the Governor of Bombay.

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PART V.

Proceedings of the Council of the Governor of Bombay.

The following Bill is published under rule 28 (5) of the Rules for the Conduct of Business at Meetings of the Legislative Council of the Governor of Bombay:—

BILL No. XVII of 1920.

A Bill to amend the City of Bombay Improvement Act, 1898.

WHEREAS it is expedient further to amend the City of Bombay Improvement Act, 1898, in manner hereinafter appearing; It is hereby enacted as follows:—

Bom. IV of 1898.

1. This Act may be called the City of Bombay Improvement (Amendment) Act, 1920.

Short title.

2. For clause (*a*) of sub-section (*2*) of section 60 of the City of Bombay Improvement Act, 1898, the following clause shall be substituted, namely:—

Amendment of section 60.

Bom. IV of 1898.

"(*a*) In respect of the lands referred to as the Flats, specified in Schedule C as plots 1 (*a*), 1 (*b*), 1 (*c*) and 1 (*d*), the Board shall, subject to the power of resumption reserved by sub-section (*7*), set apart plot 1 (*a*) as an open space and may at any time lay out the said plot as a recreation ground or park for the free use of the public; and may, subject to the aforesaid power of resumption, at any time lay out the whole or any part or parts of plots 1 (*b*), 1 (*c*) and 1 (*d*) as recreation grounds or parks for the free use of the public, or appropriate the whole or any part of the said plots to building purposes."

The Flats.

STATEMENT OF OBJECTS AND REASONS.

The purpose of the amendment is to allow of certain lands, appropriated hitherto as open spaces, to be used as open spaces or for building purposes; provision has been made in the neighbourhood for a public park and the reservation of these lands as open spaces is no longer required.

(Signed) G. S. CURTIS.

By order of His Excellency the Honourable the Governor,

G. DAVIS,
Secretary to the Legislative Council
of the Governor of Bombay.

Bombay, 25th September 1920.

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The
Bombay Government Gazette

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THURSDAY, 14TH OCTOBER 1920.

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PART V.

Proceedings of the Council of the Governor of Bombay.

The following papers which were placed on the Council Table at the meeting of the Legislative Council of the Governor of Bombay held on the 27th September 1920 are published for general information :—

LIST OF BUSINESS TO BE BROUGHT FORWARD AT A MEETING OF THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF BOMBAY TO BE HELD IN THE COUNCIL HALL, POONA, ON MONDAY, THE 27TH SEPTEMBER 1920, AT 12 NOON.

I.—NEW MEMBERS—

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

II.—QUESTIONS AND ANSWERS—

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

III.—BILLS—

1. A Bill to amend the law relating to the duty payable on tobacco and to the import, transport, retail sale and warehousing thereof in the City of Bombay (Bill No. IV of 1919).—*Second and Third Readings.* (For amendments, see head IV below.)

2. A Bill to provide for the extension of primary education in the City of Bombay (Bill No. IV of 1920).—*Second and Third Readings.*

3. A Bill further to amend the City of Bombay Improvement Act, 1898, and the City of Bombay Municipal Act, 1888 (Bill No. VII of 1920).—*Second and Third Readings.* (For amendments, see head IV below.)

4. A Bill to amend the Bombay Town Planning Act, 1915 (Bill No. V of 1920).—*Second and Third Readings.*

LIST OF BUSINESS.

[27TH SEPTEMBER 1920.]

5. A Bill further to amend the Bombay Town Planning Act, 1915 (Bill No. VIII of 1920).—*Second and Third Readings.*

6. A Bill to consolidate and amend the law relating to pleaders in the Presidency of Bombay (Bill No. VI of 1920).—*Second and Third Readings.* (For amendments, see head IV below.)

7. A Bill further to amend the Bombay District Police Act, 1890 (Bill No. X of 1920).—*Second and Third Readings.*

8. A Bill further to amend the Bombay Rent (War Restrictions) Act, 1918, and to amend the Bombay Rent (War Restrictions, No. 2) Act, 1918 (Bill No. XI of 1920).—*Second and Third Readings.*

9. A Bill further to amend the Bombay Port Trust Act, 1879 (Bill No. XII of 1920).—*Second and Third Readings.*

10. A Bill further to amend the City of Bombay Municipal Act, 1888 (Bill No. XIV of 1920).—*First, Second and Third Readings.*

11. A Bill further to amend the City of Bombay Police Act, 1902 (Bill No. XV of 1920).—*First, Second and Third Readings.*

12. A Bill further to amend the Bombay Boiler Inspection Act, 1917 (Bill No. XVI of 1920)—*First, Second and Third Readings.*

13. A Bill to amend the City of Bombay Improvement Act, 1898 (Bill No. XVII of 1920)—*First, Second and Third Readings.*

IV.—AMENDMENTS TO BILLS—

A. *Bill No. IV of 1919 (A Bill to amend the law relating to the duty payable on tobacco and to the import, transport, retail sale and warehousing thereof in the City of Bombay) as amended by the Select Committee; notice has been received of the following :—*

1. *Clause 3.*—From the Honourable Mr. S. B. Upasani—

   In lines 5, 6 and 7, omit the words "the rate of seven rupees and eight annas a maund" and substitute the following for them, *viz.*, "at such rate not exceeding 10 per cent. *ad valorem* as may be fixed by the Governor in Council from time to time."

2. ,, From the Honourable Mr. S. B. Upasani—

   In lines 12, 13 and 14, restore the words "and any rate so fixed shall be notified in the *Bombay Government Gazette.*"

3. *Clause 18 (b).*—From the Honourable Mr. S. B. Upasani—

   In the last line, omit the words "arrest him" and substitute for them the following, *viz.*, "seize it and take proceedings against him."

4. *Clause 21.*—From the Honourable Mr. S. B. Upasani—

   Omit.

B. *Bill No. VI of 1920 (A Bill to consolidate and amend the law relating to pleaders in the presidency of Bombay) as amended by the Select Committee; notice has been received of the following :—*

1. *Clause 2, sub-clause (3).*—From the Honourable Sir George Carmichael, K.C.S.I., I.C.S.—

   In clause 2 (3), for the number "29-A" *substitute* the number "30".

2. *Clause 5, sub-clause (3).*—From the Honourable Rao Bahadur S. D. Garud—

   In clause 5 (3) *omit* "District Judge" and *substitute* "presiding judge of the court" and *add* at the end "on payment of a prescribed fee for a particular case".

3. *Clause 7, sub-clause 1 (e).*—From the Honourable Rao Bahadur S. D. Garud—

   Clause 7 (1) (e).—*Substitute* "before any public officer when exercising judicial or quasi-judicial functions under Bombay Land Revenue Code, Bombay Hereditary Offices Act, Khoti Settlement Act, Gujarat Talukdars Act, Bombay Town Planning Act, and in such proceedings under any Bombay Act as the local Government by notification in the *Bombay Government Gazette* may specify".

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4. *Clause 7, sub-clause 1 (e).*—From the Honourable Mr. P. A. Desai, LL.B.—

For clause 7 (*1*), sub-clause (*e*), *substitute* the following :—

"(*e*) before any public officer when exercising any judicial or quasi-judicial function".

5. *Clause 8, sub-clause (a).*—From the Honourable Mr. S. B. Upasani—

For clause 8 (*a*) *substitate* "(*a*) in any civil court in the district".

6. *Clause 8, sub-clause (d).*—From the Honourable Rao Bahadur S. D. Garud—

Clause 8 (*d*).—*Substitute* "before any public officer when exercising judicial or quasi-judicial functions under Bombay Land Revenue Code, Bombay Hereditary Offices Act, Khoti Settlement Act, Gujarat Talukdars Act, Bombay Town Planning Act, and in such proceedings under any Bombay Act as the local Government by notification in the *Bombay Government Gazette* may specify."

7. *Clause 8, sub-clause (d).*—From the Honourable Mr. P. A. Desai—

For clause 8, sub-clause (*d*), *substitute* the following :—

"(*d*) Before any public officer when exercising any judicial or quasi-judicial function".

8. *Clause 10, sub-clause (3).*—From the Honourable Mr. P. A. Desai—

In clause 10, sub-clause (*3*), *insert* the words "or section 144" between "152" and "of".

9. *Clause 11, sub-clause (1).*—From the Honourable Rao Saheb Harilal Desaibhai Desai—

In clause 11, sub-clause (*1*), *add* the words "to act in a proceeding in court" after the word "pleader".

10. „ *sub-clause (2).*—From the Honourable Mr. P. A. Desai—

In clause 11, sub-clause (*2*), *substitute* "will not be bound to perform" for the words "shall not perform".

11. „ „ From the Honourable Rao Saheb Harilal Desaibhai Desai—

In clause 11, sub-clause (*2*), *add* at the end the words "unless the services are performed gratis".

12. *Clause 12, sub-clause (b).*—From the Honourable Mr. S. B. Upasani—

In clause 12 (*b*) *retain* "without the permission of the court".

13. „ „ From the Honourable Mr. P. A. Desai—

In clause 12, sub-clause (*b*), *insert* the word "wilfully" before the word "omit".

14. *Clause 13.*—From the Honourable Sir George Carmichael, K.C.S.I., I. C. S.—

In clause 13, for the number "29(A)" *substitute* the number "30".

15. *Clause 21.*—From the Honourable Sir George Carmichael, K.C.S.I., I. C. S.—

In clause 21, *add* the words "unless the court otherwise directs".

16. *Clause 25.*—From the Honourable Mr. S. B. Upasani—

In clause 25, *omit* "on a reasonable cause" and *substitute* "who has been guilty of wilful neglect of duty or misconduct in his professional capacity".

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17. *Schedule III.*—From the Honourable Mr. B. S. Kamat—

In Schedule III, Rules for computing the pleader's fee, at the end of Rule 1 (*c*) after the words "on the remainder at 2½ per cent." *add* the following:—"Provided that in no case shall the fee exceed Rs. 750, irrespective of the amount or value of the subject matter in dispute in any proceeding."

18. „ From the Honourable Mr. S. B. Upasani—

In Schedule III, Rule 4, after "one-fourth" *add* "in contested and one-eighth in other cases".

19. „ From the Honourable Mr. S. B. Upasani—

In Schedule III, Rule VI (*b*), *insert* "Rupees ten" after "or".

C. *Bill No. VII of 1920 (A Bill further to amend the City of Bombay Improvement Act, 1898, and the City of Bombay Municipal Act, 1888); notice has been received of the following*:—

1. *Preamble* ... From the Honourable Mr. G. S. Curtis, C.S.I., I.C.S.—

After the words "Bombay Suburban Revenue Division" insert the words:—

"as the same may be constituted on the 1st day of December 1920".

2. *Clause 2, section 195 B (2).*—From the Honourable Mr. G. S. Curtis, C.S.I., I.C.S.—

(*a*) After the words "Revenue Division as" insert the words "the same may be".

(*b*) For the word "October" when it occurs for the first time substitute the word "December".

(*c*) For the word "devoted" substitute the word "allotted".

(*d*) Add the following sentence:—

"Any moneys so allotted may also be utilised for the payment of interest on loans raised and utilised for the aforesaid purposes respectively and for the provision of sinking funds for the repayment of such loans".

3. *Clause 2, section 195 C (1).*—From the Honourable Mr. G. S. Curtis, C.S.I., I.C.S.—

(*a*) For the word "the" where it first occurs substitute the word "all".

(*b*) For the word "received" substitute the word "allotted".

(*c*) For the words "for the purpose of providing tenements in the City of Bombay and of the expenditure incurred from or with the aid of such moneys" substitute the words:—

"to the provision of such tenements; of all loans raised and utilised for the provision of such tenements and of any sinking funds formed for the repayment of such loans".

4 „ „ (*2*).—From the Honourable Mr. G. S. Curtis, C.S.I., I.C.S.—

(*a*) For the words "take over" substitute the word "acquire".

(*b*) For the words from "vesting in Government" to the end of the sub-section substitute the words "of Government in all lands and buildings acquired and all buildings constructed in the City of Bombay constituted as aforesaid, with the aid of such moneys and

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loans, on indemnifying Government against all then existing and all future liabilities of Government in respect of such lands and buildings and in respect of such loans".

5. *Clause 2, section 195 C (3).*—From the Honourable Mr. G. S. Curtis, C.S.I., I.C.S.—

Insert new sub-section (*3*) as follows and renumber remaining sub-sections.

"(*3*) For the purpose of determining the amount of any indemnity in respect of any such loan regard shall be had to any then existing sinking fund formed for the repayment of such loan: the intention being that the Corporation shall pay to Government from time to time sufficient moneys—

(*a*) to satisfy all interest on such loan as the same may become payable by Government; and

(*b*) to make up, after taking into account any such sinking fund, the amount which Government may be liable to repay at the maturity of such loan.

6. " " *(4).*—From the Honourable Mr. G. S. Curtis, C.S.I., I.C.S.—

(*a*) For the word "the" where it occurs for the fourth time substitute the word "such".

(*b*) Omit the words "referred to in the said sub-section".

7. " " (*5*).—From the Honourable Mr. G. S. Curtis, C.S.I., I.C.S.—Omit the word "an" where it first occurs and the words "and in any sinking fund formed for the repayment of any loan or loans utilised for the purpose of providing tenements as aforesaid".

8. " " (*6*).—From the Honourable Mr. G. S. Curtis, C.S.I., I.C.S.—

(*a*) For the words "taking over" substitute the words "acquiring as aforesaid".

(*b*) Before the words "section 195B" wherever they occur insert the words "sub-section (*1*) of".

9. " " (*7*).—From the Honourable Mr. G. S. Curtis, C.S.I., I.C.S.—For the number "(*6*)" substitute the number "(*7*)".

10. " *section 195 D.*—From the Honourable Mr. G. S. Curtis, C.S.I., I.C.S.—

Add the following section:—"195D. Loans raised and utilised for the purpose of repaying (whether directly or indirectly) loans raised and utilised for such schemes of improvement or for the provision of such tenements as are referred to in sub-section (*2*) of section 195B shall be deemed to be loans raised and utilised for such schemes or for the provision of such tenements as the case may be".

Definition of Loan.

V.—DISCUSSION OF MATTERS OF GENERAL PUBLIC INTEREST—

Resolutions by the Honourable Mr. D. V. Belvi, LL.B.

1. "This Council recommends to His Excellency the Governor in Council to be pleased to take such steps, legislative or otherwise, as will prevent the slaughter of agricultural and milch cattle beyond a prescribed minimum in the Presidency of Bombay including the Province of Sind."

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2. "This Council recommends to His Excellency the Governor in Council to be pleased to direct that at least 5 per cent. of posts carrying a monthly salary of not more than Rs. 400 in each department of civil administration in the Presidency of Bombay including Sind be reserved for qualified candidates from the untouchable classes."

Resolutions by the Honourable Mr. Munmohundass Ramji.

3. "This Council recommends to His Excellency the Governor in Council to take steps to prohibit the slaughter of young and useful milch and agricultural cattle in the Presidency with a view to save a useful economic and agricultural asset of the Presidency."

4. "This Council recommends to His Excellency the Governor in Council to move the Government of India to take necessary steps for the prohibition of the export of useful milch and agricultural cattle."

Resolution by the Honourable Mr. S. B. Upasani.

5. "This Council recommends to His Excellency the Governor in Council that Government be pleased to share two-thirds of the expenditure incurred by Municipalities on education."

Resolution by the Honourable Rao Bahadur S. D. Garud.

6. "This Council recommends to His Excellency the Governor in Council that a Committee be appointed to consider the question of readjusting the existing division of Khandesh for revenue and judicial purposes."

Resolutions by the Honourable Sardar Gulam Jilani.

7. "This Council recommends to His Excellency the Governor in Council that the Urdu Training Classes at Poona and Ahmedabad be immediately developed into full training colleges, and located in hired buildings till such time as new ones are constructed."

8. "This Council recommends to His Excellency the Governor in Council that the Urdu Schools should not be administered by the District Deputy Educational Inspectors but be placed in charge of the Deputy Inspector of Urdu Schools, both for inspection as well as administrative purposes."

Resolutions by the Honourable Dewan Bahadur K. R. Godbole.

9. "This Council recommends to His Excellency the Governor in Council that legislation should be adopted in this Presidency towards checking the excessive subdivision of agricultural lands that is taking place."

10. "This Council recommends to His Excellency the Governor in Council that in granting concessions for new Hydro-electric Schemes in this Presidency in future, involving the acquisition by Government of 2,000 acres and above of agricultural lands, the following conditions should be made:—

(*a*) that all excess profits after paying 10 per cent. dividends to shareholders, should be divided between the Company using the concession and Government, half and half;

(*b*) that one-fourth of the power generated should be reserved for the production of nitrate fertilisers from the atmosphere or driving agricultural machinery, if such use of the power is financially practicable according to expert advice received by Government."

Resolution by the Honourable Rao Bahadur S. D. Garud.

11. "This Council recommends to His Excellency the Governor in Council that the sex disqualification for registration on the electoral roll of a constituency in the Bombay Presidency shall be removed in respect of women generally and that Government be pleased to make regulations providing that women shall not be disqualified for registration by reason only of their sex."

Resolution by the Honourable Mr. D. V. Belvi, LL.B.

12. "This Council recommends to His Excellency the Governor in Council to be pleased to direct that at least 15 per cent. of the scholarships available in each Government Educational institution be reserved for pupils from untouchable classes in the Bombay Presidency."

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Resolution by the Honourable Mr. R. P. Paranjpye.

13. "This Council recommends that Government be pleased, pending the final consideration of the question by the reformed Council, to ensure that no teacher in primary schools gets less than twenty rupees per month, by giving them a provisional allowance."

Resolution by the Honourable Mr. P. A. Desai, LL.B.

14. "That this Council recommends to His Excellency the Governor in Council to take early steps to amend the provision regarding the number of members required to form a quorum at Committee meeting by clause 3 of section 34 of the District Municipal Act."

Resolution by the Honourable Mr. Purshotamdas Thakurdas, C.I.E., M.B.E.

15. "This Council recommends to His Excellency the Governor in Council that the Government of Bombay do represent to the Government of India the necessity of a Special Committee of Officials and Non-officials being appointed to submit a comprehensive report regarding the condition of cattle in the whole of India and the advisibility of devising checks on slaughter and export of cattle generally and of milch cattle in particular."

Resolutions by the Honourable Mr. B. S. Kamat.

16. "This Council recommends that Government may be pleased to take early steps to investigate, either by the appointment of a special Medical Officer, or otherwise, the causes of the high mortality and general unhealthiness prevailing in Poona City."

17. "This Council recommends to the Governor in Council that with reference to the revision of pay of the Talaties in the Presidency, now under the consideration of Government, Government may be pleased to consider the desirability of fixing Rs. 30 as the minimum and Rs. 60 as the maximum of their pay in the proposed revision."

18. "This Council recommends that pending the revision of the scale of pay of the primary teachers after the new Legislative Council is formed, Government may be pleased to sanction a suitable temporary and provisional allowance to the teachers serving in Municipal and Local Board Schools as a measure of immediate relief from the present high costs of living with retrospective effect from the 1st January 1920."

Resolutions by the Honourable Rao Bahadur S. D. Garud.

19. "This Council recommends to His Excellency the Governor in Council that the pay of vernacular teachers be revised on the lines adopted by Government for the revision of pay of the clerical establishments in other departments."

20. "This Council recommends to His Excellency the Governor in Council that the war allowance given to vernacular teachers for postal work be not deducted from the war allowance which they receive on their pay as teachers."

21. "This Council recommends to His Excellency the Governor in Council that an advance of two months' pay be given to the clerical establishments in the Mofussil till they receive the benefit of the revision scheme sanctioned for them."

Resolution by the Honourable Mr. S. B. Upasani.

22. "This Council recommends to His Excellency the Governor in Council that temporary provisional allowance provided for the clerical establishments in the mofussil from 1st January 1920 be sanctioned for the vernacular teachers in the Local Board and Municipal schools."

Resolution by the Honourable Rao Bahadur G. K. Sathe, C.I.E.

23 "This Council recommends to His Excellency the Governor in Council that immediate steps be taken to grant temporary and provisional allowance to primary school teachers, pending the final decision by Government of the scheme of revising their pay."

Resolution by the Honourable Mr. P. C. Sethna, O.B.E.

24. "This Council, meeting for the last time, recommends to His Excellency the Governor in Council to convey to Viscount Morley its feeling of great indebtedness to, and its high appreciation of, his courage and wisdom, in enlarging the then existing Councils and widening their powers, which within the comparatively short term of eleven years made possible the inauguration of the Reformed Councils and which in their turn, inspired by the same proud tradition of service and co-operation, will enable India at no distant date to attain the desired goal of Self-Government within the Empire."

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VI.—PAPERS PRESENTED TO THE COUNCIL—

1. Reports of the Select Committees appointed to consider the following Bills :—

(1) Bill No. IV of 1920 (A Bill to provide for the extension of primary education in the City of Bombay).

(2) Bill No. V of 1920 (A Bill to amend the Bombay Town Planning Act, 1915).

(3) Bill No. VI of 1920 (A Bill to consolidate and amend the law relating to pleaders in the Presidency of Bombay).

(4) Bill No. VII of 1920 (A Bill further to amend the City of Bombay Improvement Act, 1898, and the City of Bombay Municipal Act, 1888).

(5) Bill No. VIII of 1920 (A Bill further to amend the Bombay Town Planning Act, 1915).

(6) Bill No. X of 1920 (A Bill further to amend the Bombay District Police Act, 1890).

(7) Bill No. XI of 1920 (A Bill further to amend the Bombay Rent (War Restrictions) Act, 1918, and to amend the Bombay Rent (War Restrictions, No. 2) Act, 1918).

(8) Bill No. XII of 1920 (A Bill further to amend the Bombay Port Trust Act, 1879).

2. Letters in connection with Bill No. VI of 1920 (A Bill to consolidate and amend the law relating to pleaders in the Presidency of Bombay) :—

(1) From Mr. R. S. Sule, Pleader, Poona City, dated 27th July 1920.

(2) From Mr. J. M. Deshpande, Honorary Secretary, Bar Association, Bijapur, dated 29th July 1920.

(3) From Honorary Secretaries, Bar Committee, Satara, dated 29th July 1920.

(4) From Mr. G. R. Dabholkar, Honorary Secretary, Legal Practitioners' Association, Ahmedabad.

(5) From Mr. K. H. Desai, LL.B., Honorary Secretary, District Bar Association, Surat, dated 22nd August 1920.

(6) From Mr. S. B. Dadyburjor, Honorary Secretary, Bombay Vakils' Association, dated 17th August 1920.

(7) From Joint Honorary Secretaries, Bombay Police Court Bar Association, dated 23rd August 1920.

(8) From Mr. Antoldas Hargowandas, President, Bar Association, Broach, dated 7th September 1920.

3. Petition from Mr. Badrudin Abdulla Koor, President, Anjuman Islam Sunnut-Jamat, Bombay, dated 28th July 1920, in connection with Bill No. IV of 1920 (A Bill to provide for the extension of primary education in the City of Bombay).

4. Government Order in the Public Works Department, No. W.—15125, dated 19th August 1920, regarding the revised procedure relating to the approval of plans and estimates of buildings for primary schools.

5. Answer to question No. 4 put by the Honourable Khan Bahadur Ebrahim Haroon Jaffer at the meeting of the Legislative Council held in July 1919.

G. DAVIS,
Secretary to the Legislative Council
of the Governor of Bombay.

Bombay, 25th September 1920.

LEGISLATIVE COUNCIL, 27th September 1920.

LIST OF QUESTIONS AND ANSWERS.

THE HONOURABLE MR. D. V. BELVI, LL.B.

Questions.	*Answers.*
1. (*a*) (i) Will Government be pleased to state if their attention has been drawn to a letter from Mr. R. M. Sane of Barsi under the heading "Government Servants and Ryots' money" published on page 2 of the "Kesari" newspaper in its issue of the 15th June 1920? A letter in the "Kesari" dated 15th June 1920.	1. (*a*) (i), (ii), (iii) These have already been replied to.
(ii) if so, are the allegations made in the letter correct?	
(iii) if not, what are the real facts of the case?	
(*b*) to lay on the Council table copies of the orders issued by Mr. Simcox to the Mamlatdars in the Sholapur District about the collection of funds for the erection of dharmashalas at Pandharpur?	(*b*) No orders were issued by Mr. Simcox to the Mamlatdars in the Sholapur District for the collection of funds beyond sending them the printed appeal a copy* of which is placed on the Council Table. **Vide* Appendix D.
(*c*) (i) to state what is the total amount collected and what is the exact amount of money now lying in the office of each Mamlatdar in the Sholapur District?	(*c*) (i) The total amount collected is Rs. 42,327-11-3. No money remains with any Mamlatdar in the Sholapur District, as they were asked to stop collections and send the money collected to Mr. V. N. Jakkal, Honorary Secretary of the Committee.
(*c*) (ii) if receipts have been regularly and officially passed to subscribers to the fund?	(*c*) (ii), (iii) The sums received by the Collector and Mr. Jakkal were all acknowledged. Printed receipts were given in those cases where money was received direct. Their counterparts are available. In some cases typed receipts were given and their duplicates are not available. For money collected in villages in many cases manuscript receipts were passed by kulkarnis and their duplicates are available. No receipts seem to have been passed in the few cases where money was collected by Panchas. In some villages only lists of subscribers were kept and are available, no individual receipts being given.
(*c*) (iii) if duplicate copies of the receipts are available at present?	
(*c*) (iv) what is intended to be done with the money?	(*c*) (iv) The money is intended to be spent for the comfort of pilgrims coming to Pandharpur and especially in building Serais for them.
(*c*) (v) if any interest is running on the money now lying in Government Treasuries?	(*c*) (v) None of the money is in any Government Treasury. Rs. 42,000 are deposited in the Bank of Bombay, Sholapur Branch, as a fixed deposit at 4 per cent., and the remainder, Rs. 327-11-3 is kept in the current account.

QUESTIONS AND ANSWERS.

[*Mr. D. V. Belvi.*]

[27TH SEPTEMBER 1920.]

Questions.

Answers.

2. Will Government be pleased to state—

(*a*) if their attention has been drawn to a complaint over the signature of "A poor teacher" published on page 6 of the issue of the "Kanara Leader" newspaper, dated the 8th June 1920?

A complaint in the "Kanara Leader" dated 8th June 1920.

(*b*) if so, are the allegations made true?

(*c*) if not, what are the real facts of the case?

(*d*) if Government have received a copy of the Resolutions passed in the District Conference of Primary School Masters of the Kanara District on the 26th, 27th and 28th April 1920?

2. (*a*), (*b*), (*c*) & (*d*). Owing to pressure of work the office of the Deputy Educational Inspector, Kanara, could not complete the bill work to be done in March by the end of the month and had to spend part of April on it. The pay bill of the Local Board teachers for the month of March was consequently not submitted to the Treasury till the 8th of May. It was cashed on the 18th idem. Orders have been issued to prevent a recurrence of such delay in future. With reference to the allegation made in the article in the "Kanara Leader" regarding the transfer of teachers, it is reported that owing to the natural division of the District into two parts by the western ghats, it is necessary to transfer teachers from one part to the other. As the only months suitable for transfer (having regard to the convenience of all concerned) are March, April and May, transfer orders were issued during this period. Repairs to schools in the District have to be done twice a year, just before the monsoon and in the cold season. The orders referred to in the article in question were in respect of repairs to be carried out just before the monsoon and were issued in April last, the masters being directed as usual to see that the work of repairs was completed before the rains set in.

A copy of the Resolutions mentioned in part (*d*) of the question has been received by the Director of Public Instruction and is under his consideration.

3. (*a*) Is it a fact that vernacular school-masters in the Southern Division have recently been prohibited by the Educational Department from subscribing to a magazine in Kanarese called "Prathamik Shikshaka"?

A Kanarese magazine.

3. (*a*) Yes.

(*b*) If so, what are the grounds of such prohibition?

(*b*) It was not considered useful to spend public funds on the purchase of the magazine.

4. (*a*) When is the Training School for primary teachers likely to be established at Belgaum?

Primary teachers' training school.

4. (*a*) This part has already been answered.

(*b*) What is the comparative percentage of trained teachers in Marathi and Kanarese schools in the Belgaum District with reference to the total number of pupils taught in the two languages?

(*b*) 1·3 and 2.

(*c*) Is it a fact that some of the teachers in the Marathi primary schools in the Belgaum District were refused admission into the Training Colleges in the

(*c*) No admission was refused to the 1st year class. Some had to be refused admission to the 2nd and 3rd year classes for want of room, but this did not apply

QUESTIONS AND ANSWERS.

[27TH SEPTEMBER 1920.] [*Mr. D. V. Belvi.*]

Questions.	*Answers.*
Central Division during the last two years for want of room?	to the teachers of the Belgaum district alone.
(*d*) If so, is it intended to open a combined training school for both Marathi and Kanarese teachers at Belgaum?	(*d*) No.
5. (*a*) Will Government be pleased to say whether it is a fact that Rs. 200 contributed by the villagers of Timmenahalli in Ranebennur Taluka as their contribution to the Local Board for building a well in their village has been invested in the Byadgi Housing Association by the Mamlatdar of the Taluka and the Byadgi Housing Association is now refusing to return the money to either the Local Board or the villagers on the score that one of the bonds is in the personal name of the then Mamlatdar who is now transferred elsewhere and that they require his permission to pay back the money? Well at Timmenahalli, Ranebennur, Dharwar.	5. (*a*) As the villagers requested the Mamlatdar to deposit the money in some Society till the project of the well was matured, he invested Rs. 100 in the Byadgi Housing Association and with the remaining amount purchased a war bond in the name of the Vice-President of the Association. The Association did not decline to pay the money but delayed the payment as its accounts were not ready. Rs. 100 have already been paid and the balance will be paid shortly on the sale of the war bond being sanctioned by the Association.
(*b*) Will Government be pleased to state why the Mamlatdar has purchased the bonds in his own name?	(*b*) The Mamlatdar did not purchase any bond in his own name.
6. Will Government be pleased to state with reference to the reply given to my question No. 34 put at the March sessions of the Legislative Council regarding the "Toungya" system. Toungya system, Kanara.	6. The terms are as follows:—
(*a*) the terms on which the Kumri lands are assigned to the cultivators?	After the Forest Department has removed all marketable material the coupe is handed over to the Kunbi Marathas to burn off all the useless scrub and branchwood and cultivate 'ragi' (Nagli) free of any charge. In some cases the Marathas have to sow teak seed with the 'ragi'; in other cases this work is carried out by the Forest Department after the 'ragi' crop is reaped. The Marathas take the whole of the 'ragi' crop.
7. Will Government be pleased to state—	7. (*a*) 63.
(*a*) the total number of school mistresses who obtained a Second Year's Certificate in the Training College for Women at Dharwar before the year 1913 and who are still in service in the Educational Department; Promotion of school mistresses.	
(*b*) the curricula of studies for the said certificate before the year 1913 and the Third Year's Certificate after the year 1913;	(*b*) The two curricula* are attached. * *Vide* Appendix K.
(*c*) if it is true that many of the school mistresses trained before 1913 were teachers of those that obtained their Third Year's Certificate after 1913;	(*c*) No definite data are available, but only one of the 63 mistresses concerned is a teacher on the staff of the Training College for Women.
(*d*) if so, is it true that the present salaries and prospects of promotion of those mistresses that obtained a Third Year's Certificate after the	(*d*) The only mistress who has been taken on the staff of the Training College for her special qualifications is assimilated in the regular secondary

QUESTIONS AND ANSWERS.

[*Mr. D. V. Belvi.*] [27TH SEPTEMBER 1920.]

Questions.	*Answers.*
year 1913 are much better than those of their former mistresses that taught them;	line and is at present in the grade of Rs. 100. She has thus much better prospects, than the present day third year mistresses. As regards other former 2nd year mistresses, the answer is in the affirmative.
(*e*) if so, what are the grounds for such differential treatment?	(*e*) The differential treatment is due to the fact that the two classes of teachers concerned are not equally qualified and that different scales of pay laid down for the various classes of certificate.
8. Will Government be pleased to state—	8. (*a*) The estimated average annual yield per acre is Rs. 41-15-0.
(*a*) the average annual revenue per acre of the Casurina plantations in Kanara, basing the average on the period necessary for the full growth of the trees? Casurina plantations, Kanara.	
(*b*) what is the land revenue per acre of garden land situated adjacent to or in the vicinity of the Casurina plantation?	(*b*) The rate of assessment per acre of garden land in the vicinity of the plantation is from Rs. 6 to Rs. 8.
9. Will Government be pleased to state what is the total of the pound fees levied in the Kanara District from owners of cattle in the years 1917-18 and 1918-19 for infringing and grazing rules? Forest Fines.	9. The following amounts of pound fees were levied in the Kanara District:—
	Rs.
	1917-1918 814
	1918-1919 604
10. Will Government be pleased to state—	10. The facts are as follows:—
(*a*) if the attention of Government has been drawn to stray note No. 4 published on page 3 of the issue of the "Raja-Hansa" newspaper dated the 19th July 1920 complaining against oppressive prosecutions under the Indian Forest Act, 1878, against whole villages in the Mundgod Mahal and the Kalghatgi Taluka of the Dharwar District? Indian Forest Act, 1878: Dharwar.	
(*b*) whether the allegations made in the said newspaper are true and accurate?	(*b*) & (*c*). A fire broke out in the forest of Kalghatgi village but the villagers did not help to put it out although the forest subordinates called on them to do so. Orders were therefore passed to prosecute the people who were bound to help but did not do so. Shortly afterwards the Conservator of Forests, Southern Circle, received a petition from the villagers complaining against the hardship of being prosecuted. On going through the papers the Conservator found that the fire occurred on bazzar day and that the absentees were 183 in number. In the circumstances he withdrew the prosecutien and ordered that application should be made to the Collector for enhancement of grazing fees of the cattle belonging to the people who did not help. The same procedure was followed in another case in which a much smaller number of people was implicated. The people were liable to prosecution in both cases, but the cases were dropped as a matter of clemency.
(*c*) if not, what are the real facts?	

QUESTIONS AND ANSWERS.

[27TH SEPTEMBER 1920.] [*Mr. D. V. Belvi.*]

Questions.	*Answers.*
(*d*) how many men and women in the Dharwar District were prosecuted under the said Act during the year ending with the 30th June 1920 and how many of them were convicted?	(*d*) 70 prosecuted, 37 convicted.
(*e*) what was the total amount of fines imposed on the accused persons that were convicted under the said Act during the aforesaid period of time in the Dharwar District?	(*e*) Rs. 338-2-0.
(*f*) the total number of persons that have yet to be put on their trial under the said Act in the said district?	(*f*) 65.
11. (*i*) Will Government be pleased to state how many persons in the Ranebennur Taluka of the Dharwar District have made applications to the Commissioner, S. D., the Collector of Dharwar, the Prant Officer in charge of the II Division, Dharwar, and the Mamlatdar of Ranebennur respectively since the close of the second Indian War Loan complaining that they did not get War Bonds in return for the money they had paid to the Revenue authorities for the purchase of War Bonds and enquiring as to what had become of their money? War Bonds: Ranebennur, Dharwar.	11. (*i*) There were joint applications from the people of 12 villages in all to the Commissioner, S. D., the Collector of Dharwar, the District Deputy Collector and the Mamlatdar and the number of signatories comes to about 150 in all.
(*ii*) to say what has been the result of these applications?	(*ii*) The amounts paid by these applicants were traced in the accounts of the (1) Ranebennur Co-operative Society, (2) Kadar Mandalji Co-operative Credit Societies, and (3) Byadgi Housing Associations. The Societies have now agreed to repay the amounts, and the Ranebennur Society, which at first had refused to repay the small deposits till the expiry of 5 years, has already started repayment. The applicants have been informed of this. Eight persons of one village, Itgi, in that taluka have complained that Rs. 75 in cash and Rs. 285-2-0, the value of postal cash certificates paid in by them as contribution towards the second War Loan, have not been accounted for. This matter is under separate inquiry.
(*iii*) to lay on the Council Table the report of the Deputy Collector, II Division, of the Dharwar District, to the Collector of the District who for the last nine months has been making inquiries to trace where the amounts contributed by the ryots of the Ranebennur Táluka have been invested?	(*iii*) No. The inquiry is still in progress.
(*iv*) to say whether it is a fact that the District Deputy Collector in charge of II Division has ordered the Co-operative Credit Societies in the Ranebennur	(*iv*) *Vide* answer to clause (*ii*).

QUESTIONS AND ANSWERS.

[*Mr. D. V. Belvi; Mr. P. A. Desai.*] [27TH SEPTEMBER 1920.]

Questions.	*Answers.*
Taluka, in whose names the bonds were applied for by the Mamlatdar and were issued either by the Postal authorities or by the Public Debts Office, to pay back the money to the ryots?	
(*v*) to say whether it is a fact that during the investigation of these war loan affairs the District Deputy Collector repaid monies to certain contributors after recovering the same from certain village officers?	(*v*) As the result of the investigation the prosecution of a kulkarni who had misappropriated a sum of Rs. 270-12-0 has been sanctioned. The kulkarni of Itgi, without the permission or knowledge of the Mamlatdar, withdrew from the Byadgi Housing Association a sum of Rs. 193-11-0, forming a part of the amount collected on account of the war loan and deposited with that Society, and disbursed the amount to seven persons. On the representation of four of them that they had received Rs. 14-1-0 less than the amount stated by the kulkarni in their joint receipt, the amount was recovered from the kulkarni and paid to the persons concerned.
(*vi*) If the reply to the above question be in the affirmative, will Government be pleased to state the reasons why this money remained unaccounted for and to state if they have taken any steps against those who were responsible for retaining the ryots' contributions?	(*vi*) The answer to clause (*v*) contains the requisite information.
(*vii*) Will Government be pleased to say whether it is a fact that the District Deputy Collector in his inquiries has found out that in the case of one contributor War Bonds to the extent of Rs. 1,000 more than the amount he contributed were issued and this excess amount was recovered by the Taluka authorities without crediting the same in the Taluka War Loan accounts?	(*vii*) A contributor of Ranebennur had received a war bond for Rs. 1,050 in excess of the amount paid in by him. On his handing over the bond, the Mamlatdar sold the bond and the proceeds were paid to 15 persons who had subscribed that amount. There is a discrepancy in respect of Rs. 57-3-6 out of the amount of Rs. 1,050 and the District Deputy Collector, II Division, is holding an inquiry into the matter.
[*These questions were asked at the meeting held on the 2nd August 1919, when* ad interim *replies were given.*]	
THE HONOURABLE MR. P. A. DESAI, LL.B.	
1. Will Government be pleased to state—	1. Enquiries are being made.
New model school-houses.	
(*a*) how much money has been spent during the last 5 years for the erection of new model school-houses according to the rules in the Southern Division of the Bombay Presidency?	
(*b*) how many of such model schools are vernacular and how many are English schools?	
(*c*) to which of the districts of the Southern Division they have given special grants for the erection of model school-houses during the last year?	

QUESTIONS AND ANSWERS.

[27TH SEPTEMBER 1920.] [*Mr. P. A. Desai.*]

Questions.	*Answers.*
2. Will Government be pleased to state—	2. (*a*) & (*b*) Information is being obtained.
(*a*) whether the district local boards in the Southern Division have increased the pay of their staff and horse allowance of overseers and vaccinators in view of the prevailing high prices? (District Local Board employees : Southern Division.)	
(*b*) if so, is the increase uniform in all the districts of the Southern Division? If not, why not?	
(*c*) whether any of the district local boards in the Presidency, not being able to increase the pay of their staff adequately, have approached Government for special grants to enable them to give adequate relief to their employees?	(*c*) No.
3. Will Government be pleased to state whether any industrial schools have been started during the last two years in any of the districts of the Presidency including Sindh? If so, what subjects are taught in such schools? (Industrial schools.)	3. No.
4. Will Government be pleased to state how many talukas in each district of the Southern Division have got veterinary dispensaries? (Veterinary dispensaries.)	4. Belgaum ... 5 | Kanara ... 3 Bijapur ... 5 | Kolaba ... 4 Dharwar ... 6 | Ratnagiri ... 3
5. Will Government be pleased to state how many oil mills under the Factory Act are working at present in the Presidency proper and their condition? (Oil mills under the Factory Act.)	5. Eight oil mills are shown in the latest statement included in the Annual Report for 1918. A report on their condition will be called for, but the industry is largely in the hands of small oil presses about whom no statistics are available.
6. Will Government be pleased to state—	6. (*a*) The present establishment of the office of the Director of Information consists of :—
(*a*) what is the present establishment of the office of the Director of Information? (Director of Information.)	
(*b*) what is the monthly salary of the Director himself?	(*b*) The monthly salary of the Director of Information is Rs. 2,000.
(*c*) what is the total amount spent for his establishment every month for pay and other allowances?	(*c*) *Vide* answers to (*a*) and (*b*).

		Rs.
1.	Junior Superintendent ...	250—20—350
2.	Senior Clerk and Shorthand Typist	200—20—300
3.	Shorthand typist ...	120—10—150
4.	Marathi Translator ...	150—5—200
5.	Gujarati Translator ...	150—5—200
6.	Librarian	100
7.	Clerk and typist	80
8.	Typist and filing clerk ...	70
9.	Despatch clerk	60
10.	Despatch clerk	50—5—60
11.	Despatch clerk	50
12.	6 Peons, one on Rs. 27, 1 bicycle peon on Rs. 26, and 4 peons on Rs. 23 each, per mensem	145

QUESTIONS AND ANSWERS.

[*Mr. P. A. Desai.*] [27TH SEPTEMBER 1920.]

Questions.	*Answers.*
(*d*) what is the number at present of honorary correspondents in the Presidency?	(*d*) The number of honorary correspondents is 325.
(*e*) is the expenditure on this establishment sanctioned in the Budget?	(*e*) A lump provision of Rs. 36,000 has been made in the current year's Budget for expenditure on account of the appointment of Director of Information and his establishment.
7. Will Government be pleased to state—	7. (*a*) & (*b*) The required information is not available.
(*a*) what was the scale of pay allowed to talatis of the Kolaba District in 1860? (Pay of talatis, Kolába District.)	
(*b*) how many times has the same been revised since then?	
(*c*) Have Government received any petitions from the talatis in the Kolaba District demanding the same increase in pay as is allowed to clerks in the Revenue line?	(*c*) Yes.
8. Will Government be pleased to state—	8. The Honourable Member's attention is invited to the reply to question No. 6 put by the Honourable Rao Bahadur V. S. Naik which is laid on the Council Table.
(*a*) is it a fact that the Government has ordered a reduction in the staff of the Excise Sub-Inspectors? (Excise Sub-Inspectors.)	
(*b*) if so, how many and from what pay and why is this reduction needed?	
(*c*) has any provision been made for employing the discharged men anywhere else?	
9. Will Government be pleased to state—	9. No.
(*a*) whether they have made any distinction between graduates and non-graduates or non-qualified persons to be recruited as sub-registrars in the matter of their pay, promotion, etc.? (Pay of Sub-Registrars.)	
(*b*) if so, what distinction is made?	
10. Will Government be pleased to state—	10. (*a*) to (*c*) Information will be called for.
(*a*) whether new Excise Advisory Committees in the Kolaba District were formed after the formation of the new Local Boards in the year 1919-20? (Excise Advisory Committees, Kolaba.)	
(*b*) how many meetings of such committees were held during the years 1915 to 1920?	
(*c*) what were the suggestions made at such meetings and which of them were given effect to?	

QUESTIONS AND ANSWERS.

[27TH SEPTEMBER 1920.] [*Mr. P. A. Desai.*]

Questions.	*Answers.*
11. (*a*) Is it a fact that the Government intend to acquire lands for the Khopoli Land Company in Khalapur Petha in the Kolaba District? (Khopoli Land Co.: land acquisition.)	11. (*a*) Yes.
(*b*) Is it a fact that the Government intend to lease these acquired lands on annual tenure to the agriculturists till they require them for leasing the same for the intending factories?	(*b*) No.
(*c*) Will Government be pleased to state how many villages and villagers will be affected by the acquisition of the above-mentioned lands?	(*c*) & (*d*) The Honourable Member is referred to the Company's agreement dated 23rd March 1920 printed at pages 154 *et seq.* of the Supplement to the *Bombay Government Gazette* dated 15th April 1920.
(*d*) Whether Government intend to place any restrictions which the Company should observe in charging rent to the intending factories?	
(*e*) Whether there will be any proportion between the compensation to be allowed to the land-holders who will be affected by the acquisition and the rent to be charged to the intending factories?	(*e*) No.
12. (*a*) Is Government aware that Messrs. Tata Power, Limited, have erected iron towers on lands in the Panwel táluka for conducting electric power from the Andhra Valley Works to Bombay? (Tata Power, Limited: land acquisition.)	12. (*a*) & (*b*) Government have received a report regarding unauthorised encroachments on private land by some officers of the Tata Company in connection with the latter's works.
(*b*) If so, are the notices of acquisition issued to land-holders affected by the Company?	
(*c*) If not, is the Company going to pay any compensation to those affected?	(*c*) The Company will certainly have to pay compensation in any case to those affected and steps are being taken to see that no private rights are illegally infringed.
13. Is it a fact that Government intend to abolish the agricultural farms at Veshvi and Versoli in the Alibág táluka and Banotra in the Pen táluka? (Agricultural Department farms, Alibag.)	13. It had been suggested that in view of the fact that a new rice farm had been opened near Karjat the farm at Veshvi should be abolished. Several protests against the proposed abolition of the Veshvi farm were received by the Director of Agriculture and he has stated that he will take no steps in the matter until he has visited Alibág and consulted the local people. The farm at Versoli is a small sub-station for the purpose of finding out the best method of improving *manat* land. The work there will be continued until some definite results are obtained. There is no farm or sub-station at Banotra in the Pen táluka. If the Agricultural Department is doing any work there it is presumably on a temporary demonstration plot.

QUESTIONS AND ANSWERS.

[*Mr. P. A. Desai; Rao Saheb Harilal Desaibhai Desai.*] [27TH SEPTEMBER 1920.]

Questions.	*Answers.*
14. (*a*) Is it a fact that Government intend to abolish the agricultural school at Veshvi in the Kolába District for want of students? Agricultural school, Veshvi.	14. (*a*) & (*b*) It is found very difficult to recruit students for the agricultural school at Veshvi. Only three new students could be secured this year and the school is now being carried on with three students in the first year and eight students in the second year. Efforts have been made, and are being made, to secure more students; but if these efforts fail it will be necessary to consider the question of closing the school next year. At present no decision to close the school has been arrived at.
(*b*) If so, what are the subjects taught at present in the school?	

THE HONOURABLE RAO SAHEB HARILAL DESAIBHAI DESAI, LL.B.

1. Will Government be pleased to give the following information, *viz.*— Village Acher, North Daskroi, Ahmedabad.	1.
* * * * * *	
(*c*) The area of the Government grass land (Bid) near by.	(*c*) There is no Government grass land (Bid) in Acher village.
2. Will Government be pleased to state (*a*) whether the Assistant Deputy Educational Inspectors are given any conveyance allowance? Educational Officers: Conveyance allowance.	2. (*a*) The Assistant Deputy Educational Inspectors are not given any conveyance allowance except in the case of those stationed at Bombay, Poona, Ahmedabad, Surat and Karachi, who receive special conveyance allowance for inspection work at *head-quarters*.
(*b*) whether Government is aware that the teachers in charge of primary schools have in Gujarat to arrange for the conveyance of the inspecting staff and in some cases to bear the cost?	(*b*) The teachers referred to have not to arrange for the conveyance of the inspecting staff except in cases where the village police patels, whose duty it is to arrange for conveyance for touring officers, are unable to supply them. In no case are school masters required to bear the cost.
3. Will Government be pleased to state (*a*) whether any orders have been passed by the Educational Department or by them or whether any are in contemplation to transfer the power of giving promotions to school masters and teachers in primary schools under municipalities and any other similar powers to the Educational Inspector? Municipal School Masters: promotion.	3. (*a*) & (*b*) In continuation of the *ad interim* reply given to the question at the last meeting, inquiries made of the Director of Public Instruction show that no such orders have been passed by the Educational Department. A circular on the subject issued by one of the Divisional Commissioners is under the consideration of Government.
(*b*) if so, the exact scope of such proposals?	

[*These questions were asked at the meeting held on the 2nd August 1920, when* ad interim *replies were given.*]

QUESTIONS AND ANSWERS.

[27TH SEPTEMBER 1920.]

Questions.

4.* Will Government be pleased (*a*) to put on the table a statement showing the amount spent by the Bombay Port Trust on building residential quarters for their staff since 1st April 1918?

Bombay Port Trust Staff housing.

(*b*) to say how many more residential quarters the Port Trust has still got to build for their staff (superior and labouring) and why the work has not been taken in hand till now on a larger scale in this direction?

(*c*) to say when the Port Trust expects to complete the quarters for the whole of the Bombay Port Trust staff and the approximate expense for the same?

5. Will Government be pleased to state—

(*a*) the present age of Khan Bahadur Husseinkhan Dhanekhan, Honorary Magistrate, Ahmedabad?

An Honorary Magistrate, Ahmedabad.

[*Rao Saheb Harilal Desaibhai Desai.*]

Answers.

4. (*a*) The amount expended by the Trustees on building residential quarters for their staff since 1st April 1918 is:—

	Rs.
Superior staff ...	12,86,233
Menial staff ...	8,37,527
Total ...	21,23,760

(*b*) The Trustees in July 1918 considered the housing question very fully and laid down the following standard percentage for quarters to be provided for their employees:—

Permanent Superior staff.	50 per cent.
Permanent inferior staff.	100 per cent.
Temporary staff (including workmen and dock labour).	According to the number in regular employ required to be housed near their work.

The number of quarters provided up to date or under construction is—

	Number employed.	Number for whom quarters (*a*) have been or (*b*) are being constructed.
Superior staff	1,989	(*a*) 367+(*b*) 52= 419
Inferior (average number including workmen and dock labour).	13,275	(*a*) 3,826+(*b*) 1,720=5,546

The Trustees are dealing with the housing of their staff on a liberal scale. Up to date they have expended approximately Rs. 40½ lakhs on providing quarters. During the current year they have provided for a total expenditure of Rs. 19,37,000 on staff quarters and at the present moment they have under construction or are about to commence quarters for 52 superior and 1,720 inferior employees.

(*c*) It is not possible to say by what date quarters will be provided for the whole of Port Trust staff or to state the approximate amount to be expended on quarters. The number of persons employed by the Trustees is increasing each year in proportion to the development of the Trust's operations and it is therefore impossible to foresee the number of quarters that will have to be provided. For the present the Trustees intend to work up to the programme laid down in 1918 and an annual provision will be made in their Capital Budget on those lines.

5. (*a*), (*b*), (*c*), (*d*), (*e*) & (*f*) Time does not permit of collecting the detailed information asked for by the Honourable Member. Government however have no reason to believe that Khan Bahadur Husseinkhan Dhanekhan is otherwise than efficient in the discharge of his magisterial duties.

* This question was asked at the meeting held on the 2nd August 1920. The answer to it was not then ready.

QUESTIONS AND ANSWERS.

[*Rao Saheb Harilal Desaibhai Desai.*] [27TH SEPTEMBER 1920.]

Questions.	*Answers.*
(*b*) the number of years he has been an Honorary Magistrate in Ahmedabad?	
(*c*) the number of days from 1st January to 31st August 1920 for which he issued processes and the number thereout on which he did not attend his court?	
(*d*) the number of cases tried by him in 1920 and the number of adjournments in each?	
(*e*) whether it is a fact that on some of his court days he does not attend the court?	
(*f*) the time he sits in his court?	
6. Will Government be pleased to state the number of days the various Educational Inspectors toured for inspection in their divisions in 1918 and 1919 with the names of each? Educational Inspector's tours.	6. The information is being obtained.
7. Will Government be pleased to state whether they have considered the question of locating the head-quarters of the Assistant Deputy Educational Inspectors at each Taluka head-quarters and of decentralizing certain powers to them as regards their charge? Head-quarters: Assistant Deputy Educational Inspectors.	7. Enquiries are being made.
8. Will Government be pleased to give the following information for each division of the Presidency for 1919-1920, *viz.*— New Primary Schools, 1919-20.	8. (*a*), (*b*) & (*c*) The information is being obtained.
(*a*) The number of new primary schools budgetted for?	
(*b*) The number of such new schools opened?	
(*c*) The number of such schools closed?	
9. Will Government be pleased to state—	9. (*a*) Since January 1911.
(*a*) since when the Jambusar Taluka of the Broach District is without a senior Mamlatdar with First Class powers? First Class Magistrate, Jambusar, Broach.	
(*b*) why the Jambusar Taluka has been left without a senior Mamlatdar with First Class Magisterial powers?	(*b*) The taluka has been left without a First Class Magistrate owing to improved means of communication. There have been improvements in the direct road between Broach and Jambusar and facilities have been afforded by Railway communication, first by the Baroda State Railway *via* Masar Road and then by the direct Railway opened between Broach and Jambusar. A First Class Magistrate was formerly posted to the taluka solely on account of the difficulty of communication.

QUESTIONS AND ANSWERS.

[27TH SEPTEMBER 1920.] [*Rao Saheb Harilal Desaibhai Desai.*]

Questions.	*Answers.*
10. Will Government be pleased to state the number of cases from the Jambusar Taluka tried by Magistrates outside the limits of the Taluka during the last three years? (Trial of cases, Jambusar, Broach.)	10. The information being obtained.
11. Will Government be pleased to give the number of dacoities and other serious offences which have taken place in the Jambusar Taluka during the last six months? (Dacoities, Jambusar, Broach.)	11. Information is being obtained.
12. Will Government be pleased to give the reasons for withdrawing from the acquisition of a plot of land originally selected for the construction of a bungalow for the Excise Inspector in the City of Broach and for selecting instead a site acquired by Mr. Vithaldas Bhagwandas for building a Hindu Sanatorium? (Land Acquisition, Broach.)	12. Government have received no information regarding the change of site.
13. Will Government be pleased to state whether all the talukdars of Bhankoda in the Viramgam Taluka of the Ahmedabad District owning 100 Dokdas have applied to the Collector or Talukdari Settlement Officer to remove the management under section 26 of the Talukdari Act and to restore the estate to them? If so, what impediment exists to grant their prayer? (Talukdars, Bhankoda, Viramgam, Ahmedabad.)	13. Information has been called for.
14. (*a*) Will Government be pleased to state whether they have passed any orders limiting the revision of the salaries of the clerical establishment sanctioned by Circular No. 438 dated 25th June 1920, Financial Department, only to hands considered efficient, and whether the rest of them are only to have their war allowances consolidated to their present salaries? (Circular No. 438, Financial Department, dated 25th June 1918.)	14. (*a*) Yes.
(*b*) Will Government be pleased to state the reasons for modifying the orders contained in their Circular No. 438 of 25th June 1920, Financial Department?	(*b*) To promote efficiency.
15. Will Government be pleased to state whether they have passed any orders about the revision of the salaries of talatis; and if so what those orders are; if not when they are likely to pass any orders on the subject? (Pay of talatis.)	15. The orders are about to issue at once.

QUESTIONS AND ANSWERS.

[*Rao Bahadur S. D. Garud.*] [27TH SEPTEMBER 1920.]

Questions. *Answers.*

THE HONOURABLE RAO BAHADUR S. D. GARUD.

1. Will Government be pleased to state—

Arunavati bridge, Shirpur, West Khandesh.

(*a*) whether the people of Shirpur in West Khandesh have raised and deposited in the Government Treasury popular contribution for the building of the Arunavati bridge?

1. (*a*) Yes, but for a causeway and not a bridge.

(*b*) whether the same was raised on account of official assurances that adequate help will be given by Government and that work will be immediately taken up?

(*b*) No.

(*c*) what is the amount of the popular contribution?

(*c*) Rs. 8,000.

(*d*) when it was collected?

(*d*) In the year 1916.

(*e*) why the work was so long delayed?

(*e*) Subsequent to the raising of the contribution, the people desired that a masonry bridge should be provided instead of a causeway. As, however, the cost of the former was found to be beyond the resources of the District Local Board, West Khandesh, the work could not be undertaken.

2. Will Government be pleased to lay on the Table the following information regarding East and West Khandesh Districts respectively for the years 1908-09 and 1918-19, *viz.*—

Information regarding Khandesh District.

2. (*a*) *For the year 1918-19 only.*

	Rs.
East Khandesh ...	3,02,834
West Khandesh ...	1,03,397

(*a*) The total income from (iii) income tax revenue.

(*b*) * * *

(*b*) * * *

(*c*) Total mileage of (i) local board, (ii) provincial, (iii) forest roads.

(*c*) *For the year 1908-09.*

Local Board Roads.		Provincial Roads.
In charge of Public Works Department.	In charge of Local Boards' own Agency.	In charge of Public Works Department.
East Khandesh District.		
M. Fur. 236-1.	M. Fur. 226 0	M. Fur. 70 4
West Khandesh District.		
M. Fur. 64-3	M. Fur. ft. 71 7 245	M. Fur. 245 2

There were no forest roads in the East and West Khandesh Districts in the year 1908-09.

For the year 1918-19.

Total mileage of forest roads in the two districts at the end of 1918-19 was 20.

[*These questions were asked at the meeting held on the 2nd August 1920, when* ad interim *replies were given.*]

QUESTIONS AND ANSWERS.

[27TH SEPTEMBER 1920.] [*Rao Bahadur S. D. Garud.*]

Questions. *Answers.*

*3. Political Prisoners. Will Government be pleased to state (1) the total number of persons who were in custody for political offences at the date of the issue of the Royal Proclamation of amnesty,

(2) the number who were released,

(3) the number whose cases are under consideration, and

(4) the number to whom the amnesty is refused?

3. The effect given in this Presidency to His Majesty's Royal Proclamation of amnesty was as shown below. No cases are now under consideration:

	Persons.
(*a*) Interned under the Defence of India Act	2
Released	2
(*b*) Interned or restricted under the Ingress into India Ordinance ...	7
Released	7
(*c*) Undergoing sentence for offences under section 121 and cognate sections of the Indian Penal Code (excluding those convicted for offences committed in the disturbances of April 1919)...	6
Released	4
(*d*) Undergoing sentence for offences committed in the disturbances in Guzarat in April 1919...	123
Released	72

4. New Schools, 1918-19, 1919-20. Will Government be pleased to state how many new schools were opened in the several districts of the Presidency proper in 1918-19 and 1919-20 and how many are proposed to be opened during the current year?

4. The information is being obtained.

5. Education, West Khandesh district. (*a*) Will Government be pleased to state whether it is a fact that so many as 30 villages in the West Khandesh District have applied to the Deputy Educational Inspector of the District for opening primary schools in those villages, and offered to provide accommodation for them?

(*b*) If so, what action has been taken in the matter?

5 Enquiries are being made.

6. Provincial and Subordinate services:—Increased pensions. Will Government be pleased to state if any proposals have been made by them to the Government of India for the increase of pensions received by retired members of the Provincial and Subordinate services of the Presidency in view of the abnormal rise in the cost of living?

6. No.

7. Service of Vernacular teachers. Will Government be pleased to state how far the consideration of the proposal to count the service of vernacular teachers on a pay of ten rupees and below as superior for purposes of pension has advanced?

7. The Government of India, who were addressed on the subject in October last, asked for certain further information which is being supplied to them.

* This question was asked at the meeting held on the 2nd August 1920. The reply to it was not then ready.

QUESTIONS AND ANSWERS.

[*Rao Bahadur S. D. Garud.*] [27TH SEPTEMBER 1920.]

Questions.	*Answers.*
8. (*a*) Will Government be pleased to state whether it is a fact that several Municipalities in the Presidency have not been able to pay war allowance to their teachers ? (*b*) If so, will Government be pleased to state what steps have been taken to enable the Municipalities to pay this allowance? Municipal teachers: War allowance.	8. (*a*) & (*b*) Enquiries are being made.
9. (*a*) Is it true that the Taloda Municipality in West Khandesh was not able to pay its teachers their ordinary pay regularly during the last year and a half ? (*b*) If so, will Government be pleased to state what action has been taken to prevent a recurrence of such irregularity in the future ? School teachers, Taloda Municipality.	9. (*a*) & (*b*) Enquiries are being made.
10. (*a*) Is it true that the teachers in the Municipal School at Sinnar in the Nasik District have not received any war allowance from July 1918 until now in spite of several representations to higher authorities and is it a fact that they do not also receive their ordinary pay regularly ? (*b*) If so, will Government be pleased to state what action has been taken to prevent the recurrence of such irregularities in payment in the future ? School teachers : Sinnar Municipality.	10. (*a*) & (*b*) Enquiries are being made.
11. (*a*) Is it a fact that the war allowance given to vernacular teachers for postal work is deducted from the war allowance which they receive on their pay as teachers ? (*b*) If so, will Government be pleased to state the reasons ? Vernacular teachers: Postal allowance.	11. The information is being obtained.
12. Will Government be pleased to state how far the experiment of introducing the first three English standards in vernacular schools has proved successful and to how many more schools in the several districts the experiment is proposed to be extended during the current year ? Teaching of English: Vernacular schools.	12. The attention of the Honourable Member is invited to the reply given at the last meeting to a question on the subject put by the Honourable Shaikh Ghulam Hussein Hidayatallah.

QUESTIONS AND ANSWERS.

[27TH SEPTEMBER 1920.]

[*Dewan Bahadur K. R. Godbole; Shaikh Ghulam Hussein Hidayatallah.*]

Questions.

Answers.

THE HONOURABLE DEWAN BAHADUR K. R. GODBOLE.

1. Is it a fact that the teachers of Municipal and Local Board primary schools have not been given the concessions of temporary and provisional allowances sanctioned in Government Resolution No. 210 of 16th March 1920 in the Financial Department for Government servants whose salaries have not been revised?

Pay of school teachers.

1. Yes. The question of granting temporary and provisional allowances to the teachers referred to is still under consideration.

THE HONOURABLE SHAIKH GHULAM HUSSEIN HIDAYATALLAH, LL.B.

1. Will Government be pleased to state what powers and facilities, if any, have been given to the special Mahomedan Deputy Educational Inspectors provided for the advancement of Mahomedan education in each division of the Presidency for the furtherance of the end in view?

Mahomedan Education.

1. The function of the special Deputy Inspector for Urdu Schools is mainly advisory. On account of administrative difficulties he is not given the sole charge of Urdu schools within his jurisdiction but he is allowed an influential voice in their administration. All possible facilities and powers short of the actual administration of Urdu schools are accordingly given to the several special Deputy Inspectors for Urdu Schools. The accompanying extract* from a letter of the Educational Inspector, N. D., to the special Deputy for Urdu Schools in the N. D., indicates in detail the facilities and powers given.

* *Vide* Appendix I.

2. Will Government be pleased to state what steps, if any, have been taken to explain "local option" in regard to the medium of instruction, and what is the method, if any, adopted for arriving at decisions in that respect, in the three divisions of the Presidency?

Education: Local Option.

2. The District Deputy Educational Inspectors in the three (now four) divisions of the Presidency proper arranged that local option in respect of the medium of instruction should be explained to the Mahomedans of each village concerned through a circular and also by means of personal advice offered by the Urdu inspecting officers. The Mahomedan community in each case was given time to come to a decision in the matter of selection, and the medium agreed to by them, or where there was disagreement, the one agreed to by the majority was sanctioned in consultation with the Deputy Inspector of Urdu Schools.

In the case of Municipal Urdu Schools, a similar procedure was adopted in consultation with the Municipal authorities.

3. Will Government be pleased to state if uniformity was observed in the introduction of the new alternative sets of standards in February 1919, in the three divisions of the Presidency?

Education: Alternative standards.

3. The new standards referred to were not introduced simultaneously in the several Divisions, but in other respects uniformity was observed in their introduction.

QUESTIONS AND ANSWERS.

[*Shaikh Ghulam Hussein Hidayatallah.*] [27TH SEPTEMBER 1920.]

Questions.

Answers.

4. Will Government be pleased to state—

Urdu School : Tankaria, Broach.

(*a*) whether the Central Urdu School at Tankaria is intended for the benefit of the Mahomedans of the whole Northern Division, or only for the benefit of the Mahomedans of the Broach District?

4. (*a*) The school is intended for the benefit of the Mahomedans of the Broach District only.

(*b*) if it is a fact that Urdu was the medium of instruction at the Central School, Tankaria, before "local option" was given?

(*b*) Yes.

[*These questions were asked at the meeting held on the 2nd August 1920, when* ad interim *replies were given.*]

5. Will Government be pleased to state—

Pay of graduates : Educational department.

(*a*) if it is a fact that the minimum pay of a graduate subordinate in the educational department has remained the same, *viz.*, Rs. 50 in the Presidency and Rs. 60 in Sind, and that his minimum in the revenue department has been raised from Rs. 25 to 70?

5. Enquiries are being made.

(*b*) if it is a fact that the maximum pay of the same subordinate in the educational department also remains the same, *viz.*, Rs. 150, and that the maximum pay attainable by him, among others, has been increased from Rs. 150 to Rs. 300?

(*c*) if the replies to (*a*) and (*b*) be in the affirmative, if it is a fact that the department is not able to get graduates, that posts in Government High Schools remain vacant, and that the efficiency of the department is likely to suffer?

(*d*) if so, whether Government have done, or propose to do, anything to maintain the comparative superiority of the scale of pay of the educational department to that of other departments to the same extent as before or to an extent sufficient to attract the best men to the department?

6. Will Government be pleased to state from what date the revised scheme for the Provincial Educational Service, fixing the minimum salary at Rs. 250 and the maximum at Rs. 800, is to come into force, and when orders regulating the intermediate grades are likely to be issued?

Provincial Educational Service : Revised pay.

6. Government are unable to give the information asked for by the Honourable member as the matter is under their consideration.

QUESTIONS AND ANSWERS.

[27TH SEPTEMBER 1920.]

Questions.

7. (*a*) Will Government be pleased to state—

(*a*) if it is a fact that graduates in the educational department rise to be head masters or deputies after about 18 to 20 years' service, and that after that they ordinarily retire after 10 to 12 years' service in that grade?

Educational Department: Promotions.

(*b*) if so, if it is a fact that the rumoured annual increments of Rs. 25 will thus cause them to retire on about Rs. 500, and render it impossible for most of them to reach the maximum of Rs. 800?

(*c*) if so, whether Government have done, or propose to do, anything to ensure the possibility of the attainment of the maximum pay by the majority?

8. Will Government be pleased to state—

(*a*) in how many cases the places of the first and second assistants to the Deputy Educational Inspectors have been given to English-knowing teachers during the last five years;

Assistant deputy educational inspectors.

(*b*) in how many cases the places of the first, second or third assistants to the Deputy Educational Inspectors have been given to the Head-masters of Vernacular schools during the last five years?

9. Will Government be pleased to state—

(*a*) the amount of land forfeited under the fallow rules during the last ten years in Sind;

Sind: fallow land.

(*b*) the amount of such land restored to the original occupants;

(*c*) the amount of such land which has finally lapsed to Government?

*10. Will Government be pleased to state—

(*a*) whether the orders of the Secretary of State on the recommendations of the Public Service Commission in regard to the Provincial revenue and Police services have been received?

Public Service Commission.

(*b*) if so, what are those orders; and when are they to be carried into effect, and if any retrospective effect is to be given to them; and, if so, from what date?

[*Shaikh Ghulam Hussein Hidayatallah.*]

Answers.

7. (*a*), (*b*) & (*c*) The question of the revision of the scale of pay of the members of the Bombay Educational Service is still under the consideration of Government.

8. (*a*) & (*b*) Enquiries are being made.

9. (*a*), (*b*) & (*c*) Information will be called for.

10. The orders of the Secretary of State for India on the Commission's recommendations regarding the pay of the Provincial Police are contained in paragraph 5 of the letter from the Government of India, Home Department (Police), No. 196, dated the 31st January 1920, a copy† of which is laid on the Council Table.

† *Vide* Appendix A.

* This question was asked at the meeting held on the 2nd August 1920. The reply to it was not then ready.

QUESTIONS AND ANSWERS.

[*Sardar Gulam Jilani Bijlikhan.*] [27TH SEPTEMBER 1920.]

Questions. *Answers.*

THE HONOURABLE SARDAR GULAM JILANI BIJLIKHAN.

1. Will Government be pleased to state (*a*) how many Mahomedan students have been admitted in all the newly started training classes and schools in the different Districts of this Presidency?

Mahomedan students in training classes.

1. (*a*) 152.

(*b*) whether it is a fact that since the establishment of the Urdu training classes in Poona many Mahomedan students have been discouraged or refused admission from joining the District training classes on the plea of an existing institution especially meant for Mahomedan teachers?

(*b*) No.

2. Will Government be pleased to state how many Anglo-Urdu Schools there are in the Central and Northern Divisions?

Anglo-Urdu Schools.

2. There are at present no Anglo-Urdu Schools in the Central and Northern Divisions. An English class has, however, been attached to the Urdu primary school at Nasirabad (East Khandesh) and another to the Central Urdu Girls' School, Poona. The question of the establishment of Anglo-Urdu Schools at Poona in the Central Division and Surat in the Northern Division is under consideration.

[*These questions were asked at the meeting held on the 2nd August 1920, when* ad interim *replies were given.*]

3. (*a*) Will Government be pleased to state how many Urdu schools are there in this Presidency?

Urdu Schools and Colleges.

3. (*a*) & (*b*) Enquiries are being made.

(*b*) Is the supply of Urdu trained teachers adequate enough to meet the requirements of these schools?

(*c*) When does the Government propose to start Urdu training colleges in the Central and Northern Divisions?

(*c*) There are at present two Urdu Training Classes teaching a two years' course—one at Ahmedabad in the Northern Division and the other at Poona in the Central Division. Proposals to develop the Ahmedabad institution into a full training college are under consideration. The question of developing the Poona Class cannot be considered until it has been provided with a building of its own.

4. Will Government be pleased to state when the scale of pay of the Civil Assistant Surgeons of this Presidency was last revised?

Pay of Civil Assistant Surgeons.

4. In 1898.

5. Will Government be pleased to say whether—

(*a*) it is not a fact that the House Surgeoncies of all the Civil Hospitals in the important cities like Bombay, Poona and Karachi are reserved for Military Assistant Surgeons?

House Surgeons: Bombay, etc.

5. (*a*) & (*b*) Yes.

QUESTIONS AND ANSWERS.

[27TH SEPTEMBER 1920.] [*Sardar Gulam Jilani Bijlikhan.*]

Questions.	*Answers.*
(*b*) these appointments were not filled up by Civil Assistant Surgeons during the war when the Military Assistant Surgeons were recalled for military duty?	
6. Will Government be pleased to state how many Civil Surgeoncies in this Presidency are allotted to Civil, and how many to Military Assistant Surgeons? (Civil Surgeons: Appointments.)	6. 4 and 3 respectively.
7. Will Government be pleased to state what action has been taken with regard to a recent memorial submitted by the Civil Assistant Surgeons of this Presidency asking for a revision of their pay and representing their grievance? (Civil Assistant Surgeons: Memorial.)	7. The matter is under consideration.
8. (*a*) Will Government be pleased to state the number of students in Government High Schools in the Presidency who have taken up the various vernaculars, namely, Marathi, Gujarati, Kanarese, Urdu and Sindhi, for their School Leaving Examination? (Study of the Vernaculars.)	8. (*a*) & (*b*) The information is being obtained.
(*b*) Will Government be pleased to state the number of teachers employed in the Government High Schools to teach each of these vernaculars?	
9. Will Government be pleased to state the number of non-English-knowing pandits and shastris employed in Government High Schools to teach Sanskrit or a vernacular, as well as the number of non-English-knowing Moulvis employed to teach Persian and Urdu? (Pandits, Shastris and Moulvis.)	9. The information is being obtained.
10. Will Government be pleased to state whether it is true that the post of Persian teacher in the Deccan College, Poona, was declared by a Government Resolution to be a Lectureship, not rising to a Professorship; and whether the said Resolution has been modified now? If so, for what reason? (Persian: Deccan College.)	10. Yes. In the opinion of Government the post is more important now than it was in 1913.
11. Will Government be pleased to state the number of Anglo-Urdu, Anglo-Marathi, Anglo-Gujarati, Anglo-Kanarese and Anglo-Shindhi Middle Schools, belonging to Government, in which English is taught through the medium of the vernacular up to the third standard? (Anglo-Vernacular middle schools.)	11. The information is being obtained.

QUESTIONS AND ANSWERS.

[*Sardar Gulam Jilani Bijlikhan; Mr. B. S. Kamat.*] [27TH SEPTEMBER 1920.]

Questions.	*Answers.*
12. Will Government be pleased to state how many Government High Schools and Colleges were not closed on the last Baqr-Id Holiday, in spite of the fact that the day was a Gazetted Public Government Holiday? (Closing of schools: Baqr-Id.)	12. Enquiries are being made.
13. Will Government be pleased to state what arrangements they propose to make to provide for the teaching of the Indian vernaculars Marathi, Gujarati, Urdu and Kanarese in Government Colleges, now that the vernaculars have been admitted by the University to the B.A. curriculum? (Indian vernaculars: B.A. course.)	13. The matter is under consideration.
14. Will Government be pleased to state whether any correspondence has passed between them and the Director of Public Instruction, Bombay, in connection with the recent removal of Moulvi Abdul Bari from the Gujarat College, Ahmedabad? If so, will they be pleased to place the same on the Table? (Moulvi Abdul Bari, Gujarat College.)	14. The Honourable Member is referred to the reply given at the present meeting to a question on the same subject put by the Honourable Mr. R. P. Paranjpye.
THE HONOURABLE MR. B. S. KAMAT.	
1. Will Government be pleased to state:—	
(*a*) if it is a fact that since April last certain liquor shops in Thana and Kolaba districts had to remain closed for certain days owing to irregular supply? (Liquor shops, Thana, Kolaba.)	1. (*a*) Yes.
(*b*) if any loss has been caused to Government on this account?	(*b*) Yes.
(*c*) if so, how much?	(*c*) Rs. 21,845 (Rs. 8,975 in the Thana District and Rs. 12,870 in the Kolaba District).
[*This question was asked at the meeting held on the 2nd August 1920, when an* ad interim *reply was given.*]	
*2. Will Government be pleased to state—	2. (*a*) Government are giving the matter their close and serious attention and an announcement will be made in due course.
(*a*) with reference to my resolution at the March meeting of the Council regarding labour conditions and strikes in Bombay, what steps Government are taking to devise any means of dealing with strikes? (Labour problems.)	

* This question was asked at the meeting held on the 2nd August 1920. The reply to it was not then ready.

QUESTIONS AND ANSWERS.

[27TH SEPTEMBER 1920.] [*Mr. B. S. Kamat.*]

Questions.	*Answers.*
(*b*) if Government are aware that the Government of Madras has appointed an officer called the Labour Commissioner to deal with the question of labour disputes ?	(*b*) Yes.
(*c*) if so, the precise functions assigned to him by the Madras Government and the salary fixed for him ?	(*c*) Enquiry is being made.
3. Will Government be pleased to state—	3. (*a*) & (*b*) These parts of the questions have already been replied to.
(*a*) with reference to my resolution at the March meeting of the Council regarding labour conditions and strikes in Bombay, what steps Government are taking to devise any means of dealing with strikes ? Labour problems.	
(*b*) if Government are aware that the Government of Madras has appointed an officer called the Labour Commissioner to deal with the question of labour disputes.	
(*c*) if so, the precise functions assigned to him by the Madras Government and the salary fixed for him.	(*c*) The Honourable Member's attention is invited to the accompanying note.†
[*This question was asked at the meeting held on the 2nd August 1920, when an* ad interim *reply was given.*]	†*Vide* Appendix L.
4. With regards the remarks by the Honourable Sir George Carmichael during the Budget debate at the Council meeting on the 2nd August last, to the effect that Government are prepared to admit that there were defects in the Poona Drainage and water-supply schemes as carried out by Government for the Poona City Municipality, will Government be pleased to place on the Council Table the report of Mr. Watson, the Drainage expert, as regards the defects ? Will Government also be pleased to state what steps Government intend to take to rectify the defects ? Poona drainage system.	4. A copy of Mr. Watson's report on the drainage system of Poona is laid on the Table. It is at present under the consideration of Government.
5. Will Government be pleased to say if it is intended to create new posts of Professors of Horticulture, Animal Husbandry and Plant Diseases, in the Agricultural College, Poona, for the improvement of the teaching of these subjects ? If so, will Government also be pleased to say if the posts are to be filled by European specialists from England, or whether it is intended to appoint eligible Indians to the posts in accordance with the recommendations of the Public Services Commission to Indianise, as far as possible, the Agricultural Department ? Appointments : Agricultural College, Poona.	5. Sanction has been received to the posts of Professors of Horticulture and Plant Diseases. For the former recruitment in England is proposed as experts with the required qualifications are not available in India. For the latter a suitable Indian Officer has been designated.

QUESTIONS AND ANSWERS.

[*Mr. B. S. Kamat.*] [27TH SEPTEMBER 1920.]

Questions. *Answers.*

6. Will Government be pleased to state the present number of students studying at the Agricultural College, Poona? Is it true that a congestion is being felt in the class rooms, and that a restriction on the number of admissions is intended by the College authorities from the next year?

Overcrowding: Poona Agricultural College.

6. The number of students now at the Agricultural College is 203, as compared with 115 in 1916. The rapid increase in the number of students during the last four years is causing congestion, but this is temporarily met by using some of the buildings put up for use of the Deccan War Hospital. It is probable that restriction on the number of admissions will have to be enforced next year.

Proposals for additional buildings and for additional staff have been made and are under consideration.

7. Will Government be pleased to state—

(*a*) the number of Sub-Inspectors in the Excise Department who have been served by Government with three months' notices of discharge under the Civil Service Regulations, owing to a proposal to abolish the posts?

Excise Sub-Inspectors.

(*b*) the object of the proposal, the advantage in view, and the amount of saving in expenditure, if any, the proposal will effect in the Excise Department?

(*c*) if it is a fact that many of the Sub-Inspectors affected by the proposal have been in Government service for over ten years; and have Government tried to provide for the men in other Departments, if possible?

7. The Honourable Member's attention is invited to the reply to question No. 6 put by the Honourable Rao Bahadur V. S. Naik which is laid on the Council Table.

8. With reference to the answer to my Question No. 14 (*b*) (*iii*) and (*iv*) at the last meeting of the Council, regarding malaria at Lonavla and Khandala, will Government be pleased to state whether the Collector of Poona has since submitted a report to Government as to whether the Tata Hydro-Electric Company are prepared to construct a drain to remove the leakage swamps near the Khandala Convalescent Home, and, if so, when they will start the work?

Lonavla and Khandala malaria.

8. The report of the Collector of Poona has not yet been received; details of the action to be taken by the Company remain to be settled by discussion on the spot, and the final report is expected to be ready by the end of October.

9. Will Government be pleased to state whether it is a fact that certain lottery tickets, called the Goa lottery tickets, are being sold in many places in Bombay, and, if so, whether such sale has any permission from the Bombay Government?

Goa lottery tickets.

9. Yes. The sale has not been permitted by Government. Recently two cases of the sale of the tickets of the lotteries known as "Santa Casa da Misericordia de Goa lottery" and "Hospicio do S. C. de Maria de Margao lottery" were brought to the notice of Government and sanction was given to prosecute the agents concerned.

QUESTIONS AND ANSWERS.

[27TH SEPTEMBER 1920.] [*Mr. B. S. Kamat.*]

Questions.	*Answers.*
10. (*a*) Will Government be pleased to say if it is a fact that in Peta Umbergaon, District Thana, the Agricultural Department were encouraging private enterprise in experimenting with the manufacture of Gul (raw sugar) from the juice of toddy trees since 1915;	10. (*a*) Yes.
Gul manufacture, Umbergaon, Thana.	
(*b*) if it is true that this gul was liked by the local people and was in demand as a substitute for sugar;	(*b*) to (*d*) Enquiry will be made.
(*c*) further if it is true that the Deputy Commissioner of Excise, Bombay, has of late stopped this gul making and cancelled the license of one Mr. Sorabji Patel who was trying to manufacture the gul;	
(*d*) will Government be pleased to state the facts and the object of stopping the manufacture, for public information?	
11. With reference to the answer given by Government to Question No. 15 (*b*) of the Hon'ble Mr. Paranjpye at the last Council meeting, regarding an extra allowance to talatis for doing work in connection with revision settlement, will Government be pleased to say if Government or the Settlement Commissioner has received petitions from talatis in Karjat Taluka, Kolaba District, praying for an extra allowance for the revision settlement work they had to do?	11. Government have not yet received any such petitions but understand that the Settlement Commissioner and Director of Land Records has.
Talatis and revision settlements.	
Was there any special provision made in the budget intended to meet the cost of the second revision settlement of the Karjat Taluka and particularly any item for any remuneration to the talatis for this work?	The answer to the second question is in the negative.
12. Will Government be pleased to say whether a scheme for the increase of pay of district Sub-Inspectors of Police is under the consideration of Government, and, if so, when it is likely to be brought into force?	12. Government have submitted proposals to the Government of India for the improvement of the pay of Sub-Inspectors of Police, and it is hoped that sanction will be received at an early date.
Pay of Police Sub-Inspectors.	
13. Will Government be pleased to say if any scheme for the revision of the pay of Sub-Assistant Surgeons, Civil Department, is under the consideration of Government, and, if so, when is it likely to be given effect to?	13. No such scheme is under the consideration of Government.
Pay of Civil Sub-Assistant Surgeons.	
14. Will Government also be pleased to say if it is true that talatis have to bear addi-	14. Government as at present advised have no reason to think that the existing allowances are insufficient.
Talatis' contingent allowances.	

QUESTIONS AND ANSWERS.

[*Mr. B. S. Kamat; Rao Bahadur V. S. Naik.*] [27TH SEPTEMBER 1920.]

Questions.	*Answers.*
tional expenditure for stationery, contingencies, etc., from their own pockets owing to the allowance for these being insufficient due to high prices of paper?	
15. (*a*) Will Government be pleased to furnish the following information in connection with the clerical establishment of the Chief Account Office of Customs, Salt and Opium:— (Clerical establishment: Customs, Salt and Opium.)	15.
(*b*) have Government received any representations from the establishment, or any recommendations from the Commissioner of Customs, Salt and Opium in the matter of the revision of their pay and the grant of allowances to the men in this office and, if so, how they have been dealt with?	(*b*) No.
(*c*) is it true that the pay of this office has not been revised during the last 37 years?	(*c*) No. The pay of the Customs Branch of the office was revised in 1914 and that of the Salt Branch in 1917.
(*d*) is it a fact that the recommendations on two previous occasions from the Commissioner of Excise for the grant of temporary and provisional allowances at the higher rate to this office were not accepted by Government owing to the impending revision?	(*d*) Yes.
THE HONOURABLE RAO BAHADUR V. S. NAIK.	
1. Will Government be pleased to say whether it is a fact that graduates directly recruited in the Southern Division under rules of 1910 have been recently appointed to Mamlat in preference to the graduates fully qualified for Mamlats under the old rules? (Appointments to Mamlat, Southern Division.)	1. The answer is in the negative.
2. Will Government be pleased to say— (*a*) how many graduates directly recruited under rules of 1910 have been appointed as Mamlatdars or to offices equal to or higher in rank than Mamlats during the last three years in preference to those that entered service under old rules and were fully qualified to hold Mamlats? (Appointments to Mamlat, new rules.)	2. (*a*) None.
(*b*) if there are still any graduates who have entered service under 1915 rules and who have not yet got Mamlats although they are fully qualified to hold such posts?	(*b*) 30, but of these 13 are acting as Mamlatdars, 3 are sub. *pro tem.* Mamlatdars and one has been appointed to a post equivalent in rank to Mamlat.
(*c*) if there are any such graduates for what reason these graduates have been held back from being made Mamlatdars?	(*c*) Mamlatdars are chosen by selection and those not chosen were not the most suitable candidates.

QUESTIONS AND ANSWERS.

[27TH SEPTEMBER 1920.] [*Rao Bahadur V. S. Naik.*]

Questions.

Answers.

3. Will Government be pleased to say whether it is a fact that the Dharwar Municipality had exempted certain merchants, some of whom were municipal councillors, from payment of octroi on goods imported by them into the Municipal areas?

Dharwar Municipality: octroi dues.

[*These questions were asked at the meeting held on the 2nd August 1920, when* ad interim *replies were given.*]

3. No. In March 1918, the General Committee of the Dharwar Municipality passed a resolution exempting one Mr. Basaya Hiremath from the payment of octroi on consignments of jowari to enable him to help the poor by selling it at cost price. Accordingly, the jowari imported by him from 26th February 1918 to 31st March 1918 and from 23rd September 1918 to 10th October 1918 was exempted from the octroi duty, which amounted to Rs. 44-5-4. This exemption was noted by the Local Fund Audit Department in its note on the municipality's accounts for the year 1917-18 and as it was suggested therein that the amount should be recovered from Mr. Basaya, he was asked to refund it, but he refused to do so on the ground that he was exempted under the General Committee's resolution. Mr. Basaya was the father of Mr. Chanamallaya, a municipal councillor, who died in the same year. Two other merchants, Messrs. Gurappa Toragal and Nilkantappa Sambrani, were also similarly exempted from octroi duty on wheat imported by them on the 9th September 1918. This duty in their case amounted to Rs. 15-12-0, and was subsequently recovered from them. Neither of them was a municipal councillor. The three merchants mentioned above are no longer exempt from the payment of octroi duty.

4. Will Government be pleased—

(*a*) to lay on the Council table a comparative tabulated statement of the number of licenses held by people in different districts of this Presidency for possession of rifles, guns, revolvers and pistols for the purpose of self-protection, crop-protection and protection of property in 1919 before the revised rules framed under the Arms Act as amended last year came into operation and the same held by them during this year under the revised rules?

Licenses and exemptions, Arms Act.

(*b*) to say in how many cases of originally exempted persons in different districts of this Presidency they had to issue licenses for rifles, guns, revolvers and pistols under the new rules and for how many weapons of each of these firearms?

(*c*) to say how many Europeans, Anglo-Indians, Eurasians, and Native Christians who enjoyed exemption under the old rules have had to

4. The preparation of the tables called for by the Honourable Member would involve an amount of clerical labour disproportionate to the value of the results to be obtained. Government are informed that the preparation of licenses for all classes including those previously exempted is not yet complete.

QUESTIONS AND ANSWERS.

[*Rao Bahadur V. S. Naik.*] [27TH SEPTEMBER 1920.]

Questions.	*Answers.*
obtain licenses during 1920 according to the new rules framed under the amended Arms Act?	
5. Will Government be pleased— (*a*) to say if it is a fact that crimes under Abkari Act have increased since the introduction of the system of auction sale of country liquor-shops about three years before? (*b*) to lay on the Council table the number of cases of illicit distillation of country liquor in different districts during these three years, *i.e.*, after the introduction of auction sale system as compared with those during the two previous years? Abkari Act offences.	5. The Honourable Member is referred to the Excise Administration Reports for the years in question.
6. Will Government be pleased to say— (*a*) whether it is a fact they have recently ordered a reduction in the number of Excise Sub-Inspectors with the object of giving revised and increased pay to the remaining Sub-Inspectors, Inspectors and higher officers of the Excise Department? (*b*) if so, how many permanent Sub-Inspectors they have allowed to be reduced with their length of service and the pay they are now getting? (*c*) whether they are providing these Sub-Inspectors with similar service elsewhere either in the excise or other departments, or in which way they think of compensating them for the loss of their service? (*d*) whether they are reducing any inspectors or other high officers of the Excise Department with the object of giving higher pay to those that remain in the Department? (*e*) if so, the number of Inspectors and officers, with their pay, whom they propose to reduce? Excise Department: Reduction of staff.	6. Provisional notices of discharge were served by the Commissioner of Customs, Salt and Excise on 89 Sub-Inspectors on pay of Rs. 40 and below in connection with the impending reorganization of the non-gazetted ranks of the Salt and Excise Departments. Final orders have not yet been issued in the matter.
7. Will Government be pleased to say— (*a*) whether it is a fact that the Excise Department was reorganised in 1907 and 1917 and that they are now thinking of further reorganising the same? (*b*) if the answer to the latter part of the above question is in the affirmative, what necessity they have in reorganising the department so soon? Excise Department: Reorganisation.	7. The Department was reorganised in 1907. In 1917 the superior controlling and supervising staffs of the Salt and Excise Departments were amalgamated and there were some slight modifications in the pay of gazetted officers in order to admit of the amalgamation, but there was no change in the pay of the non-gazetted establishment of the Excise Department. The non-gazetted establishments (excluding menials) of the two Departments will be amalgamated shortly. Owing to the great increase

QUESTIONS AND ANSWERS.

[27TH SEPTEMBER 1920.] [*Rao Bahadur V. S. Naik.*]

Questions.

Answers.

in the cost of living the pay of Government establishments is being revised and the revision will extend to the Excise staff whose pay is practically the same as that fixed in 1907.

8. Will Government be pleased to say—

Pay of walikars.

(*a*) whether it is a fact that village walikars have struck work in some places because the pay and the land remuneration they get for their service is quite inadequate during these days and the local officers in those places are feeling great inconvenience for the work?

8. (*a*) Information has been called for.

(*b*) whether they consider these walikars as full-time Government menial servants?

(*b*) No.

(*c*) what average remuneration both in the form of cash payments as pay and in land these servants get in different districts of this Presidency?

(*c*) The time and labour involved in collecting the information would not, in the opinion of Government, be justified by its usefulness.

9. With reference to reply given by Government in question No. 8 (*a* and *b*) asked by me in the last Council sessions (2nd August 1920) will Government be pleased to say

Subordinate Judge's Court, Ranebennur.

(*a*) whether they have considered the proposals made by the High Court for the revision of the jurisdiction of subordinate courts in Dharwar District and for the creation of a new court at Ranebennur?

9. (*a*) Government have approved of the proposals.

(*b*) if Government have approved and sanctioned the creation of a new subordinate court at Ranebennur, when they expect to start this court at that place?

(*b*) Government are not in a position at present to state when the new court will be started.

10. Will Government be pleased to say—

Revenue Clerks District Association, Dharwar.

(*a*) whether they have received a memorial from the President of the Revenue Clerks District Association, Dharwar, regarding the grievance of graduates who have entered service in the Revenue Department under the 1885 rules and who have not yet got Mamlats?

10. (*a*) Yes.

(*b*) if so, whether they have taken any action to redress their grievance?

(*b*) The Honourable Member is referred to the replies given to questions 1 and 2 standing in his name.

11. Will Government be pleased to say—

Gun licenses: Southern Division.

(*a*) whether it is a fact that in Dharwar, Belgaum and Kanara Districts certain gun licenses granted for the crop protection to agriculturists have been cancelled during the year

11. This information is being obtained.

QUESTIONS AND ANSWERS.

[*Rao Bahadur V. S. Naik; Mr. R. P. Paranjpye.*] [27TH SEPTEMBER 1920.]

Questions. *Answers.*

1919 and 1920 on account of the holders of these licenses having failed to produce a certain number of pigs' tails to the local authorities?

(*b*) if so, how many such licenses (for crop protection) have been cancelled during 1919 and 1920 in these districts for the reason that the holders of these licenses failed to produce a certain number of pigs' tails?

(*c*) if the production of a certain number of pigs' tails was a condition for granting these licenses and if so under what provisions this condition was imposed?

THE HONOURABLE MR. R. P. PARANJPYE.

1. * * * * 1. * * * *

(28) Is it true that the District Magistrate and the District Superintendent of Police have made separate reports about the events of 16th February 1920? Strike of mill-hands: Sholápur.

(28) Yes.

(29) If so, would Government be pleased to publish them?

(29) Copies† of the reports are attached.

† *Vide* Appendix H.

* * * * * * * *

[*This question was printed in the list of questions and answers of the meeting held on the 2nd August 1920, without the reports.*]

2. Will Government be pleased to lay on the Council Table detailed statement showing the names of the European and Indian Members of the Indian Educational Service showing their salaries (inclusive of allowances) before and after the recent revision of salaries and their years of service? Indian Educational Service.

2. The statement‡ asked for by the Honourable Member is placed on the Table.

‡ *Vide* Appendix J.

3. Will Government be pleased to state whether there are any departmental orders or orders issued by Government in the matter of employment of teachers on other work during the time their schools are closed during epidemics? If so, will Government be pleased to lay them on the Council Table? Employment of school teachers in epidemics.

3. There are no general departmental or Government orders of the nature referred to by the Honourable Member.

[*These questions were asked at the meeting held on the 2nd August 1920, when* ad interim *replies were given.*]

QUESTIONS AND ANSWERS.

[27TH SEPTEMBER 1920.] [*Mr. R. P. Paranjpye.*]

Questions.	*Answers.*
4. Will Government be pleased to state—	4. The information was called for, but has not been received.
(*a*) when Mr. B. V. Deshpande took charge of the Sub-Divisional Magistrate of the talukas of Sholapur, Madha, Karmala and Barsi?	
Payment of witnesses' expenses, Sholapur.	
(*b*) how many criminal cases he tried during the period in which Government is required to pay the expenses of complainant and witnesses under No. 12 (1) (ii) of High Court Criminal Circulars?	
(*c*) whether it is true that the said Magistrate Mr. Deshpande does not generally pay such expenses to non-Brahmin, illiterate, poor agriculturist witnesses?	
(*d*) whether it is true that many such non-Brahmins have applied for payment of such expenses to him and to the appellate, *i.e.*, Sessions Court?	
(*e*) whether the Kari Satya-Shodhak Samaj case of Imperator *vs.* Appa Daji and three others was tried by Mr. Deshpande, the Sub-Divisional Magistrate of Sholapur?	
(*f*) whether it is fact that all the non-Brahmin witnesses appearing both for the Crown and the defence were not paid expenses for attendance in the above case, No. 42 of 1920?	
5. (*a*) Has Government's attention been drawn to the criticism made by a weekly vernacular newspaper *Jagruk* in its issue of 21st August 1920 and also in the vernacular daily newspaper *Dnyan Prakash* in its issue of 26th August 1920 about the Criminal Case of Imperator *vs.* Appa and three others?	5. (*a*) & (*b*) Government will make enquiries.
Imperator *vs.* Appa and three others.	
(*b*) Has Government made any further enquiries in this matter?	
6. Will Government be pleased to say—	6. (*a*) Yes.
(*a*) whether a Committee was appointed to consider the reorganisation and extension of the Secondary Training College in Bombay;	
Secondary Training College, Bombay: reorganisation.	
(*b*) whether a sum was allotted for making some alterations in the arrangements in the Elphinstone High School buildings to allow of more students being admitted to this Training College in 1921;	(*b*) & (*c*) The necessary provision for the work has been made in the current year's budget. Plans and estimates and detailed proposals in the matter are, however, still awaited.
(*c*) how far the alterations have been carried out and whether Government expect to have them completed before June 1921?	

QUESTIONS AND ANSWERS.

[*Mr. R. P. Paranjpye.*] [27TH SEPTEMBER 1920.]

Questions.

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

(*a*) has Government sanctioned the Sholapur Development Scheme ?

(*b*) at what rate per acre did Mr. Simcox expect to sell lands under this scheme ?

Sholapur Development Scheme.

(*c*) did Mr. Simcox sell some of these lands by auction ? What were the prices realized therein per acre ?

(*d*) is it true that Mr. Simcox immediately or a very short time before the eve of his departure, sold some of the lands at prices lower than those realized in the auction ? If so, will Government be pleased to furnish a statement giving names of persons, their occupation, the area of lands given, the amounts charged and the dates of sales ?

(*e*) will Government be pleased to place all the papers in connection with this scheme on the table and also the resolution sanctioning the scheme ?

(*f*) is it true that Government has acquired several lands and bungalows held by owners under the Cantonment tenure ? If so, will Government be pleased to place on the Council Table a statement giving the following details :—

(i) number of plots resumed,

(ii) number of bungalows resumed,

(iii) first valuation of these bungalows as made by the Executive Engineer and dates of such valuations,

(iv) revised valuations if any as made by the Executive Engineer,

(v) amounts paid to the respective owners ?

(*g*) is it true that Mr. Simcox gave in some cases more than the estimates—either original or revised—of the Executive Engineer ? If so, will Government be pleased to state the names of the persons to whom such payment was made ?

(*h*) is it true that people having bungalows on sites alleged by Government to be Cantonment tenure sites, sent a petition on 22nd December 1919 to the Commissioner, C. D., and to Government ?

(*i*) is it not true these sites were not covered by any Development Scheme ?

Answers.

7. Final orders have not yet been passed on the Sholapur Development scheme. When they are, a statement will be placed on the table, giving as far as possible the information required by the Honourable Member.

QUESTIONS AND ANSWERS.

[27TH SEPTEMBER 1920.] [*Mr. R. P. Paranjpye.*]

Questions. *Answers.*

(*j*) will Government be pleased to state what action Government has taken or intends to take on this petition?

(*k*) is it true that Mr. Mirams, Government Architect, made inquiry in each individual case of these petitioners?

(*l*) did Mr. Mirams make any report to Mr. Simcox or to Government, and will Government be pleased to place this report on the Council Table?

(*m*) has Government's attention been called to the correspondence in the vernacular paper "Kesari" of date 3rd February 1920 under signature of Mr. Benkatlal Kisanlal Soni?

(*n*) is it not true that the inhabitants of Sadar Bazaar and other owners of bungalows treated the sites and buildings thereon as transferable and heritable property to the knowledge of Government?

8. Will Government be pleased to state whether any correspondence has passed between them and the Director of Public Instruction, Bombay, in connection with the recent removal of Moulvi Abdul Bari from the Gujarat College, Ahmedabad? and if so, will they be pleased to place the same on the table?

Moulvi Abdul Bari, Gujarat College.

8. Yes, Government are not disposed to place the correspondence on the table.

9. Will Government be pleased to state whether any allowances which are paid to teachers in secondary or primary schools are also paid to the English teachers in the twenty full primary schools in which English classes have been opened?

If the answer to the above is in the negative, what are the reasons for this difference?

Primary and secondary school teachers.

9. If, as is presumed, the Honourable Member refers to the war (now temporary and provisional) allowances paid to primary and secondary school teachers, it may be stated that orders have recently issued sanctioning the grant of these allowances to the teachers of the English classes in question also.

10. Is it a fact that in the proposals for the revision of pay and prospects in the Secretariat establishments, the Oriental Translator's office establishment is not treated on the same scale as the others; if so, what is the reason?

Oriental Translator's office; revised pay.

10. The fact is as stated. The work in the Oriental Translator's office is not equal to the work in the Secretariat.

11. Will Government be pleased to state whether the recent revision in the pay and prospects of subordinate establishments have been made applicable to the Poona Cantonment Staff? Also whether an

Poona and Kirkee Cantonment staffs: revised pay.

11. Information is being obtained.

QUESTIONS AND ANSWERS.

[*Mr. R. P. Paranjpye*; *Mr. G. K. Parekh.*] [27TH SEPTEMBER 1920.]

Questions.	*Answers.*
increased pay has been granted to Kirkee Cantonment Staff?	
12. Sinnar Municipal school teachers. Have Government received any petitions from the teachers in Sinnar, District Nasik, that they have received no war allowance from the Municipality since July 1918 and that they also do not receive their pay regularly every month?	12. The answer to the first part is in the negative.
Have such petitions been received by the Educational Inspector, the Director of Public Instruction, the Collector of Nasik and the Commissioner, Central Division? If so, what answer has been given to these petitions?	As regards the second part, enquiries are being made.
13. Graduates: Registration Department. Will Government be pleased to state how many graduates there are in the Registration Department; do they get a higher initial salary than non-graduates just as graduates employed in the revenue establishments are to get under the new scheme of revision?	13. The information regarding the number of graduates serving in the Registration Department will be called for. The reply to the second portion of the question is in the negative.
THE HONOURABLE MR. G. K. PAREKH, LL.B.	
1. Karamsad, taluka Anand. Will Government be pleased to say—(*a*) whether in the village of Karamsad in the Anand taluka, in consequence of bad seasons, portions of the Government land revenue demands of 1917-18 and 1918-19 had remained uncollected?	1. (*a*) In 1917-18 land revenue in Karamsad remained uncollected to the extent of Rs. 5,000 as unauthorised arrears owing to contumacy. The season of 1917-18 was not unfavourable in Karamsad. In 1918-19 the crops were poor and the land revenue was therefore fully suspended.
(*b*) is it true that in 1919-20, the rice, tobacco, tuver, cotton and math crops suffered from frost, unseasonable rains and other causes?	(*b*) No.
(*c*) is it true that in respect of the land revenue demands of Government, sub-sharers' quota of the demand were not recovered from them as usual but orders were issued for the recovery of the entire demands from the registered holders?	(*c*) The facts are not as stated by the Honourable Member. Land revenue due to Government from sub-sharers whose names were registered was recovered from them. In cases where names were not registered, it was recovered from the registered *moksh* narvadars or peta-narvadars in accordance with Government orders and usual practice.
(*d*) what was the annual Government land revenue demand from Karamsad for 1919-20?	(*d*) In 1919-20 the land revenue demand was as under:—

Rs.		
23,585	for 1919-20.	
22,787	„ 1918-19.	Authorised arrears.
3,599	„ 1917-18.	Unauthorised arrears.
49,971		

QUESTIONS AND ANSWERS.

[27TH SEPTEMBER 1920.] [*Mr. G. K. Parekh.*]

Questions.	*Answers.*
(*e*) what was the amount of penalty imposed on the Karamsad landholders for default in the punctual payment of the land revenue demands for 1919-20?	(*e*) The penalty imposed amounted to Rs. 1,403-8-0. Out of this only Rs. 535 were actually collected and the balance was remitted.
(*f*) what is the total amount of penalty imposed on the landholders of the Anand taluka for having not punctually paid their Government demands for 1919-20?	(*f*) Excluding Karamsad, Rs. 416-8-5 were recovered as penalty in the remaining villages of the Anand taluka.
2. (*a*) Has the attention of Government been drawn to the issue of the "Hindustan" newspaper of the 11th (12th?) June last giving a statement of murders, robberies, dacoities and other offences of violence that occurred in the talukas of Kapadvanj, Thasra, Anand and Nadiad of the Kaira District during the last two years? Dacoities: District Kaira.	2. (*a*) Yes.
(*b*) In how many cases have the offenders been arrested, prosecuted and punished, and in how many have they been acquitted, and in how many cases have the offenders not been found out?	(*b*) A statement* giving the information asked for by the Honourable Member is placed on the Council Table. * *Vide* Appendix E.
(*c*) Will Government be pleased to say what are the causes of the increases of crimes of violence in these talukas of the Kaira District during the last two year?	(*c*) The Dharalla community whose lawless tendencies are well known is mainly responsible for those crimes. The district officers report that the political agitation which has been actively maintained in the district since the beginning of 1918 has promoted a disregard of authority which has tempted the Dharallas to give rein to their lawlessness and has adversely affected their relations with the patidars. It is significant that the first serious outburst followed closely on the 'no rent' or passive resistance movement of 1918.
(*d*) Will Government be pleased to say what measures have been taken by them to prevent offences of violence in these talukas to arrest offenders and to bring them to justice?	(*d*) For the suppression of dacoity a Deputy Superintendent of Police with a force of 140 extra police is specially employed in the Kaira District. The adjoining States are actively co-operating with the British Police. Additional Police are being posted in certain villages at the cost of the Dharalla population in them.
3. Will Government be pleased to say— (*a*) what was the number of students who had passed the First Year's Course Examination at their respective colleges and presented themselves for admission into the College of Commerce? College of Commerce: Admission of students.	3. (*a*) It is not possible to give the exact number as no record is kept but probably it was 130.
(*b*) were these students required to submit to an examination at the College of Commerce before their admission?	(*b*) Yes.

QUESTIONS AND ANSWERS.

[*Mr. G. K. Parekh; Mr. A. F. I. Pathan.*] [27TH SEPTEMBER 1920.]

Questions.	*Answers.*
(*c*) what were the subjects in which they were examined?	(*c*) The students are required to write a short composition on some simple subject involving no previous knowledge with a view to ascertain whether they have sufficient knowledge of English and in order to have some idea of their mental calibre. They are also personally interviewed by the Principal and the staff.
(*d*) what percentage of marks obtained qualified them for admission?	(*d*) Only 3 classes of marks, A, B and C, are given, and normally only those who get at least class B are admitted.
(*e*) how many of these students were admitted and how many refused admission?	(*e*) Forty-three of these students were admitted and the remainder were refused admission.

[*These questions were asked at the meeting held on the 2nd August 1920, when* ad interim *replies were given.*]

THE HONOURABLE MR. A. F. I. PATHAN.

1. (*a*) * * * *

(*b*) If so, will Government be pleased to state how long have these depôts been in existence, the places where they have been opened, the cost of establishment and other expenditure of each of these depôts and the net profits realised each year from these depôts for the last five years and to state further whether the local forest contractors cannot supply the demand for fuel at the places where depôts have been opened.

Government fuel depôts: district Kanara.

[*This question was asked at the meeting held on the 13th March 1920, when an* ad interim *reply was given.*]

1. (*a*) * * * *

(*b*) The accompanying statement† furnishes the information required by the Honourable Member. When depôts are run by contractors a loss is incurred by Government, as coupes sold on condition of supplying fire-wood at depôts at fixed rates always fetch a lower price than they would if sold without such a condition.

† *Vide* Appendix B.

2. (*d*) Will Government be pleased to state the number of Mahomedans in the Revenue Service in the division that have passed the qualifying test for Mamlat and periods of their service?

Mamlatdars' posts, Southern Division.

2. (*d*) Two, one of whom entered the service on 10th October 1899 and the other on 7th April 1903.

3. Will Government be pleased to state the present number of Urdu Schools in each district of the Presidency proper and the number of pupils attending them?

Urdu Schools.

3. The accompanying statement‡ furnishes the requisite information.

‡ *Vide* Appendix F.

[*These questions were asked at the meeting held on the 2nd August 1920, when* ad interim *replies were given.*]

§4. Will Government be pleased to state when and where the five additional High Schools, for which a lakh of rupees has been ear-marked in the Budget, will be started?

Proposed High Schools.

4. The Director of Public Instruction's proposals for the utilisation of the provision of Rs. 1 lakh referred to have been received and are under consideration.

§ This question was asked at the meeting held on 2nd August 1920. The reply to it was not then ready.

QUESTIONS AND ANSWERS.

[27TH SEPTEMBER 1920.]

[*Mr. Phiroze C. Sethna ; Mr. Purshotamdas Thakurdas.*]

Questions.	*Answers.*
THE HONOURABLE MR. PHIROZE C. SETHNA, O.B.E.	
1. Will Government be pleased to state what is the present expenditure on the salaries of the employees, including heads of departments and higher officials, of the different administrative departments of Government (*a*) after the last revision and (*b*) before the said revision? (Costs of administrative departments.)	1. Government regret that they are unable to collect the information in time for a reply to be given at this meeting of the Council.
2. Will Government be pleased to state the number of cases tried in the City of Bombay during the last five years (*a*) by the Stipendiary Magistrates and (*b*) by the Honorary Magistrates? (Magisterial Courts: Bombay.)	2 & 3. The information is being obtained.
3. Will Government be pleased to state the amount recovered as fines during the last five years in the City of Bombay in the courts (*a*) of the Stipendiary Magistrates and (*b*) of the Honorary Magistrates and will Government be pleased to show separately the amounts paid therefrom in each year to the Bombay Municipality? (Fines in magisterial cases, Bombay.)	
4. Will Government be pleased to give an idea as to the probable date when the public may expect the publication of the report of the committee appointed by Government to consider the question of prevention of professional beggary and which report was submitted to Government by the committee as far back as April 1919? (Professional Beggars: Report.)	4. The report has now been published.
THE HONOURABLE MR. PURSHOTAMDAS THAKURDAS, C.I.E., M.B.E.	
1. Will Government be pleased, in continuation of my question No. 11 at the Council Meeting of 13th March 1920— (Dacoities in Northern Division.)	1. (*a*) A statement* giving the information asked for by the Honourable Member has been placed on the Council Table.
(*a*) to lay on the Council Table a statement showing the total number of dacoities in the Northern Division since 1st January 1920, giving a short statement of the fate of culprits in important cases.	*Vide* Appendix C.

QUESTIONS AND ANSWERS.

[*Mr. Purshotamdas Thakurdas*; *Mr. S. B. Upasani.*] [27TH SEPTEMBER 1920.]

Questions.	*Answers.*
(*b*) to state what precautions they propose to take to prevent a repetition of such dacoities hereafter.	(*b*) For the suppression of dacoity, a Deputy Superintendent of Police with a force of 140 extra police is specially employed in the Kaira District which is a centre of the present disturbance. The adjoining States are actively co-operating with the British Police. The special arrangements made are beginning to show good results.
2. Will Government be pleased—	
(*a*) to place on the Table a statement showing the total number of candidates that could not be admitted to the Sydenham College of Commerce owing to want of accommodation this term? Sydenham College of Commerce.	2. (*a*) No candidates were refused admission to the College this term for want of accommodation.
(*b*) to say what use is being made of the building lately occupied by the Freeman Thomas Hospital?	Parts (*b*) and (*c*) of the question have already been answered.
(*c*) to state when they expect to commence the work of a permanent building for the Sydenham College of Commerce and how long it is estimated to take to be completed after commencement of building operation?	
[*These questions were asked at the meeting held on the 2nd August 1920, when* ad interim *replies were given.*]	
3. Will Government be pleased to say—	
(*a*) if they have issued any licenses to agents of foreign Governments to buy cattle in the Bombay Presidency? Export of cattle.	3. No licenses are required, or were given by Government.
(*b*) if the reply to the above be in the affirmative, how many such unexpired licenses were in force on 1st September 1920, stating the number of cattle for which such licenses are in force?	
(*c*) whether Government propose to cancel these licenses, and if so, when?	
THE HONOURABLE MR. S. B. UPASANI.	
1. Will Government be pleased to state the number of graduates and non-graduates who have passed the Higher Standard Examination in the several Divisions of the Presidency but have not yet been appointed to Mamlatdars' posts? Graduates and non-graduates.	1. The following is the number of graduates and non-graduates who have passed the Higher Standard Examination but are not yet acting as Mamlatdars or holding appointments graded with those of Mamlatdars:—

	Graduates.	Non-graduates.
Northern Division ...	22	44
Central Division ...	21	57
Southern Division ...	13	71

QUESTIONS AND ANSWERS.

[27TH SEPTEMBER 1920.] [*Mr. S. B. Upasani.*]

Questions.	*Answers.*
2. Will Government be pleased to state how many of the Collectors' Head Clerks who have recently been graded as Mamlatdars have passed the Higher Standard Examination and how many of them are graduates and how many non-graduates? (Collectors' Head Clerks.)	2. The information required by the Honourable Member is furnished in the appended statement*. **Vide* Appendix G.
3. Will Government be pleased to state whether it is a fact that the Municipality of Lonavla has passed a resolution to appoint a chief officer on Rs. 300—400, and if so, if it is within the power of a town Municipality with a population of less than fifteen thousand to appoint a chief officer under the District Municipal Act? (Lonavla Municipality: Chief Officer.)	3. Yes. It is however not intended to appoint a "Chief Officer" in the technical sense of the term, but a Chief Executive Officer with adequate powers. The reply to the latter part of the Honourable Member's question has been already given.
4. Will Government be pleased to state how many students were admitted this year— (*a*) to the Bombay Grant Medical College, (*b*) to the Victoria Jubilee Technical Institute, (*c*) to the Poona Engineering College and how many refused admission? [*These questions were asked at the meeting held on the 2nd August 1920, when* ad interim *replies were given.*] (Admissions to Colleges.)	4. The information required by the Honourable Member in regard to the Grant Medical College has already been supplied. The information regarding the other two institutions is given below:—

	No. of students admitted.	No. of students refused admission.
Victoria Jubilee Technical Institute, Bombay.	110	188
College of Engineering, Poona.	63	244

5. Will Government be pleased to place on the table statement No. 14, submitted by the High Court to Government with its report on the Administration of Civil and Criminal Justice in the Presidency for the year 1918-1919? (High Court Statement No. 14.)	5. A copy of the statement No. 14 and of the report for the year 1918 is put up. The statement and report for 1919 are not available.
6. (*a*) Will Government be pleased to lay on the Table the details of the Koyana Valley Hydro-electric Scheme? (*b*) How many villages will be affected by it and what provision is proposed to be made to provide them with land elsewhere? (Koyana Valley Hydro-electric Scheme.)	6. (*a*) & (*b*) As the survey of the scheme is not yet complete, Government are not in a position to furnish the required information.
7. (*a*) Will Government be pleased to lay on the Table the scheme "for the redistribution of land for the better development of the irrigated area" contemplated by (Redistribution of lands, Newasa and Kopergaon.)	7. (*a*), (*b*), (*c*), (*d*) & (*e*) The scheme has been abandoned.

QUESTIONS AND ANSWERS.

[*Mr. S. B. Upasani.*] [27TH SEPTEMBER 1920.]

Questions.	*Answers.*
Government notification No. 7884 published on page 1455 of the *Bombay Government Gazette*, Part I, dated the 1st of August 1918, under which lands in the nine villages in the Newasa and Kopergaon talukas of the Ahmednagar district were to be acquired under the Land Acquistion Act?	
(*b*) was the redistribution contemplated in the scheme to be made amongst the ryots of villages in which the lands were situated or were the lands to be taken up for the Bellapur Syndicate?	
(*c*) if for the latter, will Government be pleased to state on what terms the lands are to be given to the Syndicate and to state the details of the Syndicate's scheme for their redistribution for the better development of the irrigated area?	
(*d*) what is the total area of the land proposed to be taken for the Syndicate in the several villages and the area irrigated and dry-crop which will be left to the ryots in the villages in which the lands are situated?	
(*e*) is any provision proposed to be made to give lands elsewhere to villagers who will be evicted from their lands in these villages?	
8. (*a*) Will Government be pleased to place on the Table the detailed schemes which may have been sanctioned for the revision of the pay of the clerical establishments in the several departments of the Presidency? Revised pay: clerks, school teachers, talatis,	8. (*a*), (*b*) & (*c*) The general principles on which revision of the pay of clerical establishments is proceeding have been published. Government do not propose to lay on the Council Table the detailed proposals for each office.
(*b*) has any scheme of revision been sanctioned for (1) vernacular teachers and (2) talatis?	The question of revising the pay of vernacular teachers is under consideration. Orders regarding talatis are about to issue.
(*c*) if so, will Government be pleased to lay it on the Table?	
9. (*a*) Will Government be pleased to state if a scheme has been proposed for the revision of the pay of Mamlatdars? Mamlatdars; revised pay.	9. (*a*) Yes.
(*b*) If so, will Government be pleased to lay it on the Table?	(*b*) Yes, when the scheme is finally sanctioned.
10. Will Government be pleased to state if it is true that a lower scale of pay has been proposed for the Mamlatdars than for second class sub-judges? Mamlatdars and Sub-Judges.	10. Yes.

QUESTIONS AND ANSWERS.

[27TH SEPTEMBER 1920.]

[*Mr. S. B. Upasani; Mr. Harchandrai Vishindas.*]

Questions.

Answers.

11. (*a*) Will Government be pleased to state whether it is true that in the new time scale of pay introduced for secondary teachers no distinction is made between under-graduates and double graduates or those who have secured a first class diploma of the secondary teachers training college?

Pay: secondary school teachers.

(*b*) Is it true that sub. *pro tem.* teachers are not given the benefit of the time scale of pay?

(*c*) What is the number of such teachers and after what length of service are they likely to get the benefit of the time scale of pay?

11. (*a*), (*b*) & (*c*) Enquiries are being made.

12. Will Government be pleased to state what action has been taken to give assistance and allowance to Head-masters of vernacular schools at Taluka headquarters for the work they have to do in connection with the local board schools in the taluka?

Head-masters: vernacular schools.

12. The matter is under consideration.

13. (*a*) Will Government be pleased to state if the appointment of an Inspector of Visual Instruction for which provision has been made in the Budget has been sanctioned?

Inspector of Visual Instruction.

(*b*) if not, when is the appointment proposed to be made?

(*c*) what steps have been taken to prepare magic lantern slides illustrating the history and geography of the several districts for which also provision was made in the Budget?

13. (*a*) & (*b*) In view of the financial situation and the more pressing demands on the resources of Government in other directions, the question of sanctioning the appointment referred to has been held up for the present.

(*c*) For the reasons given above, the preparation of the slides has been postponed.

14. (*a*) Will Government be pleased to state if temporary provisional allowance has been sanctioned for local board and municipal vernacular teachers?

Local board and municipal vernacular school teachers.

(*b*) if not, will Government be pleased to state the reasons for withholding this relief in their case?

14. (*a*) & (*b*) The question of the grant of temporary and provisional allowance to the teachers referred to is under consideration. The delay is due to the difficulty of finding the extra amount required which is estimated at Rs. 9 lakhs per annum.

THE HONOURABLE MR. HARCHANDRAI VISHINDAS, C.I.E., LL.B.

(*a*) Is it a fact that first and second class passengers arriving by steamer from Bombay to Karachi are not allowed to land until after the Police have boarded the steamer and checked the names of passengers?

Restrictions upon steamer passengers.

1. (*a*) Yes. The Police board all vessels entering Karachi Harbour to make inquiries concerning foreign first and second class passengers and non-Asiatic third class passengers.

QUESTIONS AND ANSWERS.

[*Mr. Harchandrai Vishindas.*] [27TH SEPTEMBER 1920.]

Questions.	*Answers.*
(*b*) If so, is it a fact that if steamers arrive at midnight, the passengers are prevented from landing until the arrival of the Police at 8 a.m. the next morning?	(*b*) No. Under the orders of the Commissioner in Sind, when a vessel arrives at night the Police and Customs Examinations take place at once, and passengers are then allowed to land.
(*c*) Will Government be pleased to state if it is a fact that no similar restriction is observed in respect of arrivals in the Bombay Harbour from Karachi or the Persian Gulf?	(*c*) & (*d*) No. Any ship which arrives in Bombay Harbour and anchors in the stream is immediately boarded by an officer of the Harbour Police; if the ship has come from Karachi only, and carries no passengers from outside India, there is no examination of passports as passengers from Ports in India do not require them. In the case, however, of boats carrying Persian Gulf or other passengers from outside India, all passports are examined. Passengers are allowed to disembark immediately the ship has been berthed either at the Mole or in the Docks and passports have been examined. In the case of passengers from any Port outside India, the procedure is the same in the case of first and second class and also deck passengers, no distinction being made.
(*d*) If so, will Government be pleased to state why it is necessary to impose the restriction in one port and not in the other?	
(*e*) Is it true that even in Karachi the rule does not apply to deck passengers?	(*e*) & (*f*) As stated above the inquiries made by the Police extend to deck passengers as well as the first and second class passengers.
(*f*) If so, will Government be pleased to state what useful purpose is served by only the first and second class passengers being subjected to a restriction from which passengers of an inferior class are exempt?	
2. Will Government be pleased to state—	2.
(*a*) the number of permanent and temporary preventive officers in the Karachi Customs and how many of these are Indians and how many non-Indians?	(*a*) There are at present 19 permanent preventive officers in the Karachi Customs, two of whom are Indians. There are 3 temporary officers, none of whom are Indians.
Preventive Officers, Karachi.	
(*b*) if it is a fact that Mr. Younghusband, a former Commissioner in Sind, appointed 2 Indians as Preventive Officers?	(*b*) & (*c*) In 1911 two Indians were appointed preventive officers, but there is nothing on record to show that they were appointed by Mr. Younghusband.
(*c*) if it is a fact that when one of these was transferred later, his post was filled up by a non-Indian?	One of these reverted later to a clerical post at his own request as he found the duties of preventive officer uncongenial and his post was filled by a non-Indian.
(*d*) How many posts of permanent and temporary preventive officers have fallen vacant since 1912 and how many of these have been conferred on Indians and how many on non-Indians?	(*d*) Seven permanent posts of preventive officers have fallen vacant since 1912 and all have been filled up by non-Indians, except one sub. *pro tem.* post which is held by an Indian. Temporary preventive officers are engaged from time to time as required. They

QUESTIONS AND ANSWERS.

[27TH SEPTEMBER 1920.] [*Mr. Harchandrai Vishindas.*]

Questions.	*Answers.*
	are paid by fees only and their services are liable to be dispensed with at 24 hours' notice. It is therefore difficult to state how many temporary officers were appointed and discharged since 1912.
(*e*) If it is a fact that whenever there is a vacancy of a preventive officer, Indian wharfingers and tally clerks already working in the Preventive Department are passed over and non-Indians from different parts of India imported?	(*e*) & (*f*) The cadre of preventive officers is entirely distinct from that of wharfingers and tally clerks, who have no claim whatsoever to promotion to the rank of preventive officer. They earn promotion in their own grades. There is therefore no question of passing them over. In cases of exceptional ability wharfingers can be and are promoted to the rank of preventive officers. The two Indian preventive officers appointed in 1911 had served as wharfingers. An Indian preventive officer draws exactly the same pay and allowances as a non-Indian, while wharfingers and tally clerks draw both overtime fees and temporary and provisional allowances.
(*f*) If it is a fact that Indians in the preventive service of about 20 years' service are drawing Rs. 60 to Rs. 70 *plus* war allowances, while non-Indians in the preventive service are getting at least Rs. 200 pay *plus* free quarters *plus* overtime fees after the same period of service?	
[*These questions were asked at the meeting held on the 2nd August 1920, when* ad interim *replies were given.*]	
3. Will Government be pleased to place on the table a statement showing the number of employees drawing the following grades of salaries, in the Karachi Port Trust, their nationalities; and whether they are Indians, Anglo-Indians or Europeans:— Employees, Karachi Port Trust. (*a*) Rs. 3,000. (*b*) Rs. 2,500 to Rs. 3,000. (*c*) Rs. 2,000 to Rs. 2,499. (*d*) Rs. 1,500 to Rs. 1,999. (*e*) Rs. 1,000 to Rs. 1,499. (*f*) Rs. 500 to Rs. 999. (*g*) Rs. 300 to Rs. 499. (*h*) Rs. 150 to Rs. 299. (*i*) Rs. 80 to Rs. 149. (*j*) Rs. 50 to Rs. 79. (*k*) Rs. 50.	3. Information is being obtained.
4. Supplementary to question 9 (*a*) to (*f*) put at the last Council Meeting to which an *ad interim* reply was given.	
(*a*) Will Government be pleased to state if it is a fact that no Indian has been offered a post of a Preventive Officer ever since Mr. Younghusband appointed two Indians as Preventive Officers? Sind Custom Service appointments.	4. (*a*) & (*b*) The Honourable Member's attention is invited to the replies given to clauses (*b*), (*c*) and (*d*) of the main question.
(*b*) If the reply to the above question is in the negative will Government be pleased to state if the records show that an Indian was offered such post and he refused it?	

QUESTIONS AND ANSWERS.

[27TH SEPTEMBER 1920.] [*Mr. Harchandrai Vishindas.*]

Questions.	*Answers.*
(*c*) Is it a fact that several Indians have applied for the post of Preventive Officer?	(*c*) Government have no information.
5. Will Government be pleased to state the date when the clerks whose pay has been raised under Circular No. 438 of 25th June 1920 will draw the increased pay? (Circular No. 438 of June 25th, 1920.)	5. The revised rates of pay will be drawn with effect from 1st March 1920.
6. Is it a fact that the price of charcoal has risen very much in Sind? If so, will Government be pleased to state what steps they have taken to prevent this rise which is higher than at any time during the war? (Price of charcoal, Sind.)	6. Information has been called for.

APPENDIX A.

No. 196.

FROM

H. D. CRAIK, ESQ.,
Offg. Additional Secretary to the Government of India;

To

THE SECRETARY TO THE GOVERNMENT OF MADRAS,
Home (Judicial) Department.

„ SECRETARY TO THE GOVERNMENT OF BOMBAY,
Judicial Department.

„ CHIEF SECRETARY TO THE GOVERNMENT OF BENGAL.

„ CHIEF SECRETARY TO THE GOVERNMENT OF THE UNITED PROVINCES.

„ ADDITIONAL SECRETARY TO THE GOVERNMENT OF THE PUNJAB.

„ CHIEF SECRETARY TO THE GOVERNMENT OF BURMA.

„ CHIEF SECRETARY TO THE GOVERNMENT OF BIHAR AND ORISSA.

„ CHIEF SECRETARY TO THE CHIEF COMMISSIONER OF THE CENTRAL PROVINCES.

„ CHIEF SECRETARY TO THE CHIEF COMMISSIONER OF ASSAM.

„ HON'BLE THE CHIEF COMMISSIONER AND AGENT TO THE GOVERNOR-GENERAL, NORTH-WEST FRONTIER PROVINCE.

Home Department.
Police.

Delhi, the 31st January 1920.

SIR,

I am directed to refer to the correspondence ending with the Home Department letter no. 816, dated the 12th August 1919 (1026-C., dated the 17th February 1919), on the subject of the recommendations of the Public Services Commission regarding the Police Services. The orders of the Secretary of State on certain points have now been received and are set out below.

2. The Secretary of State agrees with the Government of India that the existing rates of pay of Inspectors General of Police are sufficient in all provinces, except in the North-West Frontier Province. In the case of that Province he has been pleased, in view of the fact that the maximum pay of Deputy Inspectors General is now Rs. 2,000, to raise the pay of the Inspector General to Rs. 2,000 rising by annual increments of Rs. 100 to Rs. 2,400 a month. [This sanction will have effect from the 2nd December 1919.] {In view of the responsibility and importance of the posts of Commissioner of Police in Bombay and Calcutta and the heavy expenditure which their incumbents necessarily have to incur, the Government of India considered that the present rates of pay do not sufficiently differentiate these onerous appointments from those of Deputy Inspectors General of Police, for which the maximum salary now is Rs. 2,000. The Secretary of State has been pleased to accept their recommendation that the pay of these two appointments should be increased to Rs. 2,000 rising by annual increments of Rs. 100 to Rs. 2,500 a month. This sanction will have effect from the 30th October 1919.}

3. In the case of the Indian (Imperial) Police generally the Secretary of State has decided to adopt a system of pay *plus* overseas allowances, and he has also found it necessary, in view of the new rates of pay sanctioned for officers of the Indian Army, to

( ) To Bihar and Orissa only.
[ ] To North-West Frontier Province only. { } To Bombay and Bengal only.

revise the scales of salary for the first seven years. The following scales of pay have accordingly been sanctioned for the Indian (Imperial) Police in lieu of those shown in the Home Department letter no. 1206-C., dated the 17th February 1919 :—

Year of service.	Junior scale per mensem.	Senior scale per mensem.
	Rs.	Rs.
1st	325	...
2nd	325	...
3rd	350	...
4th	350	500
5th	375	525
6th	375	525
7th	400	550
8th	400	550
9th	(a) 450	600
10th	500	650
11th	500	650
12th	550	700
13th	600	750
14th	600	750
15th	650	800
16th	...	850
17th	...	900
18th	...	(b) 950
19th	...	1,000
20th	...	1,000
21st	...	1,050
22nd	...	1,050
23rd	...	1,100
24th	...	1,100
25th and over	...	1,150

(a) *Efficiency bar.*—An officer who is not considered fit for a superior appointment will not be allowed to rise above Rs. 450 in the Junior scale.

(b) *Efficiency bar.*—An officer who is not considered fit to hold charge of a first class district will not be allowed to rise above Rs. 950.

The scale of pay for Deputy Inspectors General of Police remains unaltered, *i. e.*, it commences at Rs. 1,600 a month and rises to Rs. 2,000 by annual increments of Rs. 100.

4. All officers appointed as Assistant Superintendents in the United Kingdom or in India will draw pay according to the scales shown above, and officers of non-Indian domicile will receive in addition overseas allowances at the following rates :—

Years of service.	Overseas allowance, per mensem.
	Rs.
1st to 6th	125
7th to 10th	150
11th to 13th	200
14th to end of time-scales	250

The system of overseas allowances does not apply in the case of Deputy Inspectors General and officers holding appointments outside the time-scales on special rates of pay.

These scales of pay and allowances will have effect from the 1st January 1920, and officers now in service will get the benefit of them. Officers at present entitled to exchange compensation allowance will retain their right to draw the allowance whenever the rate of exchange renders it admissible in the future.

5. As regards the Provincial Police Service (Deputy Superintendents of Police) the Secretary of State has, after considering the recommendations of the Public Services Commission and the views of the local Governments and the Government of India,

decided to adopt an incremental scale in place of the present graded system of pay. The scale will be as follows :—

Year of service.	Scale of pay per mensem.
	Rs.
1st (probationers)	200
2nd ditto	200
3rd	250
4th	275
5th	300
6th	320
7th	340
8th	360
9th	380
10th	400
	Efficiency bar.
11th	420
12th	440
13th	460
14th	480
15th	500
16th	500
17th	520
18th	520
19th	540
20th	540
21st	560
22nd	560
23rd	580
24th	580
25th and over	600
Selection grade for 7 per cent. of the total cadre.	700

Local Governments will have authority in the case of officers promoted to the grade of Deputy Superintendent to place them in the Rs. 300 grade, or in any suitable grade below that. (For Burma, where the expenses of living are higher, the rates will be increased by Rs. 50 in each grade.)

The orders in this paragraph will have effect from the 30th October 1919.

6. A Press communiqué announcing the decisions on the foregoing points will be issued on the 5th February 1920.

7. The Secretary of State's orders on the administrative questions dealt with by the Public Services Commission will be communicated to the local Government / Administration later.

( ) To Burma only.

I have the honour to be,

SIR,

Your most obedient Servant,

H. D. CRAIK,

Offg. Additional Secretary to the Government of India.

No. 197.

A copy is forwarded to the Finance Department / Chief Commissioner of Coorg, Delhi for information (with reference to the correspondence ending with that Department's endorsement no. 1247-E. A., dated the 18th December 1919), [in continuation of the Home Department endorsement no. 1207-C., dated the 17th February 1919.]

[ ] To Coorg and Delhi.
( ) To Finance Department only.

By order,

A. MACLEOD,

Under Secretary to the Government of India.

APPENDIX B.

Particulars of Fuel Depots in the Kanara District.

Place of the Fuel Depot.	Forest Division.	The cost of establishment and other expenditure for the last 5 years 1914-15 to 1918-19.	Net profit realised each year for the last five years.	Whether the Local Forest Contractors cannot supply the demand for fuel at the places where Depôts have been opened.
1	2	3	4	5
Haliyal ...	Kanara, N. D.	Expenditure in 1918-19 Rs. 328-4-3.	Net loss Rs. 76-8-0 (difference between the cost and sale proceeds of fuel.)	A contract had been given to a local contractor to supply fuel to the public at 2½ annas a maund (82 lbs.) but as he died shortly after taking the contract, the Depot had to be run departmentally at a loss to the Department.
Ankola ...	Kanara, C. D.	Expenditure in 1918-19 Rs. 3,505-9-10.	Net loss in 1918-19 Rs. 1,313-10-1 (difference between the cost and sale proceeds of fuel).	The Depot was run by contractors upto 1917-18, but as nobody came forward to take up the contract in 1918-19, the work had to be done departmentally at a loss of Rs. 1,313-10-1.
Shirali ...	Kanara, S. D.	Expenditure in 1917-18, 1918-19 and 1919-20 Rs. 2,734-2-1.	Net loss in 1917-18, 1918-19 and 1919-20 Rs. 310-10-11 (difference between the cost and sale proceeds of fuel).	The Depot was run by contractors upto 1916-17, but as nobody came forward to take up the contract in 1917-18, the work had to be done departmentally.
Bhatkal ...	Do.	Expenditure in 1917-18 Rs. 1,693.	Net profit Rs. 96 (difference between the cost and sale proceeds of fuel).	In other years this Depot has been run by contractors.
Shiddapur ...	Do.	Expenditure in 1917-18 and 1918-19 Rs. 2,536-0-6.	Net loss in 1917-18 and 1918-19 Rs. 501-6-8. (difference between the cost and sale proceeds of fuel).	As no contractor was available, the Depot was closed in 1919-20.

Depots run by Forest contractors in the Kanara District.

Gokarn ...
Gangawali ...
Ulware ...
Sirsi ...
Awarsa ... } Kanara, C. D.

Kumta ...
Haldipur ...
Honawar ...
Manki ...
Murdeshwar.
Shirali ... } Kanara, S. D.

Karwar ...
Sadashivgad. } Kanara, W. D.

APPENDIX C.

Statement showing the total number of dacoities in the Northern Division since 1st January 1920 with a short statement of the fate of culprits in important cases.

District.	Number of dacoities.	What fate the culprits met with in important cases.
Ahmedabad ...	12	In four cases the accused have been arrested and their cases are pending either with the magistracy or the police.
Kaira ...	26	Six are important dacoities, three of which have been detected and the accused are pending trial either in a magisterial or Sessions Court.
Panch Mahals ...	8	Arrests have been made in two cases and the accused are pending trial. Six cases are under police investigation.
Broach ...	7	In one case five accused have been committed to the Sessions Court. The remaining cases are under police investigation.
Surat ...	2	Both cases are still under police investigation.
Thana ...	15	Nine cases are pending investigation with the police and three under trial with the magistracy. In three cases the accused have been convicted.
Total ...	70	

APPENDIX D.

Shri Pandharinathki Jaya.

Hindu Brothers,

You all know that owing to the late great War expenditure on peaceful objects has been curtailed. In that great War some of you have given your sons and brothers to die on the field of battle. Some of you have happily returned victorious, after receiving wounds and suffering hardships, to enjoy pension and repose. Most of those who could not personally go to fight have helped forward the cause of Victory and Right with their money and their prayers.

Now that the blessings of peace have been restored, the benevolent Sarkar is anxious to commemorate the bravery of the Hindu Army and the loyalty of the people in a noble manner.

You know that people of the Bombay Presidency flock to Pandharpur to worship Shri Vithoba, the God of peace and happiness, and that a visit to His Shrine makes them all happy and contented. At present they suffer a great deal of trouble and hardships.

The Sarkar intends therefore to inaugurate a scheme for the benefit of the worshippers of Shri Vithoba. It is hoped that this scheme will eventually comprise many details, such as grand approaches to the temple, thorough drainage of the town, and a complete hospital for the sick. The grand approaches will allow pilgrims to view with freedom and comfort the temple they have journeyed so far to see, without fear of crushing or suffocation. The drainage of the town will lessen the risk of those distressing attacks of epidemic disease which so often afflict the pilgrims not only at Pandharpur but on their return home. The Hospital will assure comfort and good treatment to all those who may fall sick during their pilgrimage.

All these matters are being contemplated by the Sarkar and each will be attended to in turn. But there is one more pressing need which calls for immediate action. Those of you who have attended the great fairs are well aware that many thousands of persons are compelled to camp in the open, in the fields or on the river banks, exposed to the rain and the heat. Others, who obtain lodging in the town, are crowded into dark and ill-ventilated rooms. The existing dharmashallas are open sheds, affording no security to property.

It is therefore in the Sarkar's mind to erect at once enough good dharmashallas in suitable places near the station and the town to accommodate many thousands of pilgrims in comfort. These dharmashallas will be in blocks containing family quarters. Each set of quarters will contain a living room, a cook room and a verandah. Each set of quarters will be locked up, and there will be a guard who will keep watch. Every family party arriving at Pandharpur on pilgrimage will be entitled, without payment beyond the pilgrim tax, to one set of quarters during its stay in Pandharpur. In this way each family will be able to take food, sleep and keep its property in security and peace, and will be free the whole day for its devotions.

It is plain that many thousands of quarters will be needed to house all the pilgrims, and that all of them cannot be built at once. But it is intended to build first quarters that will cover the whole open space between the Railway, the City, the Station Road and the Poona Road. With good arrangements we can get over 2,000 sets of rooms built on that space, and can accommodate over 2,000 family parties. But the cost will be nearly Rs. 20 lakhs, for each set of rooms will cost over Rs. 800, and we shall have to build guards' houses and roads, and provide water.

The Sarkar is willing to advance the money if necessary. But looking ahead to the other parts of the scheme mentioned above, it seems that the Sarkar will eventually have to meet very heavy charges. The provision of housing for pilgrims is one of the best and most praiseworthy forms of Hindu charity, and it is hoped that many will respond to this appeal and give according to their means. The appeal is to all Hindus, from Maharajahs and great merchant princes to the humblest.

It may be added that if any person or any collection of persons sends a subscription of Rs. 800 or more, suitable memorials of the donors will be inscribed over the door of one or more quarters.

Subscriptions may be sent to me at Sholapur, and will be duly acknowledged. It is hoped shortly to circulate a ground plan, showing the location of the new dharmashallas.

(Sd.) A. H. A. SIMCOX,
Collector of Sholapur.

Sholapur, 18th October 1919.

APPENDIX E.

Statement of murders, dacoities, robberies, etc., that occurred in the talukas of Kapadvanj, Thasra, Anand and Nadiad of the Kaira District, during the last two years, i.e., from 1st July 1918 to 1st July 1920.

NOTE.—The periods are 1st July 1918 to 31st December 1918, 1st January 1919 to 31st December 1919 and 1st January 1920 to 30th June 1920.

	Murders.			Robberies.			Dacoities.			Other offences of violence.		
	1918.	1919.	1920.	1918.	1919.	1920.	1918.	1919.	1920.	1918.	1919.	1920.
Number of cases reported ...	10	10	10	31	30	18	35	22	14	2	3	3
Number of cases in which the offenders have not been found out.	5	6	3	19	7	9	18	16	11	1	...	1
Number of cases in which the offenders have been arrested.	3	4	7	11	18	6	17	6	3	1	3	2
Number of cases ending in conviction.	1	3	...	10	13	2	10	3	1	1	2	1
Number of cases discharged or acquitted.	2	1	1	1	5	2	7	3	...	...	1	...
Number of cases pending trial.	...	...	6	...	...	2	...	...	2	...	...	1
Excluded under C or B or non-cognizable.	2	...	...	1	5	3	...	...	...	...	...	...

APPENDIX F.

Statement giving information required in the question put by the Honourable Mr. A. F. I. Pathan, regarding Urdu Schools.

No.	District.	Number of		*Includes Urdu classes as under.
		Urdu schools and classes.*	Pupils attending them.	
1	Poona	46	2,446	11
2	Satara	29	1,037	4
3	Sholapur	41	1,919	8
4	Ahmednagar	50	2,145	14
5	East Khandesh	79	5,200	5
6	West Khandesh	36	2,108	5
7	Ahmedabad	45	3,616	3
8	Kaira	30	1,924	2
9	Panch Mahals	18	1,406	...
10	Broach	51	3,946	1
11	Surat	71	3,748	3
12	Dharwar	82	6,486	7
13	Belgaum	64	3,758	13
14	Bijapur	48	2,549	13
15	Kanara	38	1,723	3
16	Bombay	106	9,145	...
17	Kolaba	54	2,348	...
18	Thana	31	1,264	...
19	Nasik	54	3,101	...
20	Ratnagiri	60	2,812	...

APPENDIX G.

Statement giving information required by the Honourable Mr. Upasani.

Division.	Total number of Collectors' Head Clerks.	Number of Collectors' Head Clerks who have passed, either the Higher Standard Departmental Examination or the Qualifying Test for Mamlat.	Number of graduates among the Collectors' Head Clerks who have been graded with Mamlatdars.	Number of non-graduates among the Collectors' Head Clerks who have been graded with Mamlatdars.	Remarks.
1	2	3	4	5	6
Northern Division ...	6*	4	2	4	* One graduate and one non-graduate have been exempted from passing the Higher Standard Examination.
Central Division ...	7	5	4	3	
Southern Division ...	6	5	2	4	

APPENDIX H.

Copy of Sholapur District Superintendent of Police's No. C.—30, dated the 17th February 1920.

Yesterday evening at about 5-30 p. m. matter came to a head with the crowd of some thousands of strikers who had attended the evening meeting on the Maidan making for the mills in a mass. I was at the Head-Quarters of the troops with the Collector when news came that the crowd had passed through the picket posted near the Veterinary Dispensary, whereupon the Collector with Rao Bahadur Gudi and a few police set off towards the Narsinggirji mill which is situated some 300 to 400 yards along the direct road to the Old Mill where Head-Quarters are situated. Within a few minutes a messenger arrived from the Collector asking for assistance which was promptly despatched and the Officer Commanding troops called out all his reserve to meet eventualities. Within a short time a large crowd of strikers appeared on the road making for the Old Mill gate where the Officer Commanding troops and myself were standing, and these were brought to a standstill by the troops still available. Soon after this shots were heard and it was also noticed that a crowd of strikers were being driven down the road by the Military towards the Old Mill and into the Chawl gallies bordering the road side. With difficulty the crowd facing us was then headed off and moved off on to the road parallel to the road on which we were standing. Further bursts of firing then broke out and the crowd then rapidly moved off and finally broke up into small gangs moving in the direction of the town and the direction whence the firing had occurred. No firing occurred on the part of the troops and military engaged with the crowd where the Officer Commanding and myself were posted, but the crowd were completely beyond the control of their leaders and only the sound of the firing to their rear caused them to finally break up and make off. The District Magistrate's report to the Commissioner copy of which is attached will make clear what happened where he was attacked. That the strikers were out for trouble was abundantly clear from their behaviour and demeanour and only the action taken seems to have averted far more serious consequences. During the night and this morning no further trouble has occurred but as a precautionary measure I wired to the Superintendent of Police, Bijapur, to send as many armed Police as he could spare to assist my already heavily worked men and some 50 men are expected this evening. This morning the bodies of three of the strikers were claimed by their relatives and taken off by them after inquests had been held, and one body had already been taken off on the previous evening. Three wounded strikers are in the hospitals. All the casualties were caused by the firing of the military and the Police did not fire.

Copy of letter No. Confidential 3, dated the 16th February 1920, from the Collector and District Magistrate, Sholapur, to the Commissioner, Central Division, Poona.

In continuation of my confl. No. 3 of to-day, I have the honour to report as follows:—

1. I was at head-quarters while this afternoon's meeting was going on. When it was reported to be dispersing no one knew where the crowd was going. I walked along a few yards to the Narsinggirji Mill, to see what was going on. The District Superintendent of Police who came on duty but is not strong remained at head-quarters. Near

the Narsinggirji Mill I was confronted suddenly with the whole crowd, which swung round the corner and were on me. With the few police and Rao Bahadur Gudi who were with me, the crowd was brought to a standstill. It *had passed* the Narsinggirji gate and was obviously making for the old Mill. To my surprise it stopped in a semi-circle round me. I sent for troops at once, and with the few men I had tried to persuade the men to go home. They remained obstinate. When the troops arrived I tried to force the crowd back using the buls. Unfortunately the road is very wide, and some of the crowd got round the line, while other went round and passed into the road behind me through various openings between chawls. I was thus surrounded by a crowd of some 3,000 people with sticks. As I gave the order to push back the men on the way, the crowd in rear attacked. It was not till the stoning, both in front and from the chawls at the side, grew very bad that I gave the order to fire. Very few shots were fired and none took effect, owing I suppose to the fact that many sepoys had been bruised with stones.

2. The mob then got behind the low chawls besides the road and threw stones over the roofs. They had to be moved, and a small party was sent to do this. They were stoned, and a few shots were fired, resulting in two casualties. As the mob had moved off the main road behind the chawls, I went there with the remaining soldiers. We were in small party, surrounded on all sides by crowds with ample cover and plenty of loose stones. I advanced the men on the most threatening crowd and not until we were again heavily stoned was firing allowed, which resulted so far as I know in 3 more deaths among strikers and one wounded. After this the mob slowly dispersed home.

3. In this last affair I regret to say that the Huzur Deputy Collector was wounded. He was behaving admirably and was going along a line of chawls by the roadside, in each door of which many men were assembled, trying to move the men. When the firing began, he naturally wished to get behind the line, in front of which he had gone in his zeal and was doing so, but got struck with a bullet in the forearm which was fractured.

4. All being quiet, I arranged for removal of unclaimed bodies to the Municipal Dispensary, and made arrangements with the Officer Commanding troops for to-night and tomorrow. I then called up the available I. D. F. men and placed them at the disposal of the Officer Commanding and interviewed Mr. Strutton, whose men are, mercifully, stricken with fear.

5. I have wired for two more companies of troops, for this evening's experience has shown us that we were as drops in an ocean. Had it not been for the extreme steadiness of both troops and police, we should have been overwhelmed.

6. I cannot report personally what occurred opposite the old Mill where the Military Head-quarters is. No firing took place there. At the outbreak, I was unfortunately away and had left the District Superintendent of Police who is still very ill, at Head-quarters. But from what I hear, there were very large crowds at that point also, which were moved along as occasion arose. A mischievous act was committed by some one in my direction who fired off a lot of crackers, giving the sound of machine gunfire. This diverted part of the crowd in my direction.

7. I am more than sorry that I should have occasioned the death of any of Sholapur people. But no firing took place until after all other efforts had failed, and the police and troops had used every other means. I may instance that Lieutenant Cates had been hit with a stone severely, and I myself slightly, while many sepoys had been hit.

8. I have appointed Rao Saheb Deshmukh to act as Huzur Deputy Collector and Mr. Chandorkar as Chitnis pending further orders. I trust that Mr. Mahajani will at once be given that leave he wants, and will be commended for his brave conduct.

9. I am sending several copies of this letter to your care by a parcel train which leaves to-night. Kindly give General Officer Commanding Division, his copy, and forward two copies to Bombay as addressed, by first train.

[From the District Superintendent of Police, Sholapur.]

No. T-29.

Camp Bijapur, 19th February 1920.

Copy submitted to Government in the Judicial Department for information.

2. As the force at Bijapur would be seriously depleted by the despatch of such a large contingent to Sholapur, the Inspector General has ordered parties consisting of 20 constabulary each to be sent from the Dharwar and Belgaum districts, and an equivalent number of the Bijapur men to be returned to Bijapur where escort duties happen to be excessively heavy at the present time.

(Signed) L. ROBERTSON,
Inspector General of Police.

To

The Secretary to Government,
Judicial Department, Bombay.

Copy of letter No. 469, dated the 20th February 1920, from the District Superintendent of Police, Sholapur, to the Inspector General of Police, Bombay Presidency, Poona.

Since my yesterday's report all has remained quiet and the mills re-opened today as usual. The attendance was approximately some three thousand hands including members of the Criminal Tribes Settlements. So far as enquiries in the Town go the strikers are remaining quietly at their homes and no attempt has been made to hold any meetings or in any way to disturb the peace. Last evening the telephone wire laid down by the military was cut in two places and portions of the wire removed, but so far it has not been ascertained by whom this was done and whether it was simply done for mischief or what.

2. As regards the Barsi strike the latest report received shows that all is quiet there, but the mill is closed as the strikers refuse to return on the terms offered.

No. 2077-A of 1920.

Office of the Inspector General of Police,
Poona, 21st February 1920.

Subject :—Mill Strike, Sholapur.

Submitted for the information of Government.

(Signed) (Illegible,)
for Inspector General of Police.

To

The Secretary to Government,
Judicial Department, Bombay.

APPENDIX I.

Extract from a letter from the Educational Inspector, N. D., to the Special Mahomedan Deputy Educational Inspector for Urdu Schools, N. D.

(1) It will be your duty to formulate proposals on behalf of the Mahomedans and co-ordinate them for the whole Division. These proposals will usually deal with schemes for extension of education among Mahomedans, the opening of Mahomedan Central schools, a system of scholarships, rendering service more attractive to Mahomedan teachers, alterations in curricula and bringing to notice suitable Urdu text-books.

(2) The administration of Local Board schools will remain with the Deputy Educational Inspector, but you may represent to the Educational Inspector such changes in staff, etc., as you consider necessary and you may be called upon to represent the special financial needs of Urdu boys' schools in each district before the preparation of the Annual Budget.

(3) You may correspond with Deputies in charge of Districts on matters of detail, but with regard to policy, administration and funds you correspond with the Educational Inspector. Assistant Deputies are not allowed an office and should not be corresponded with directly.

(4) You will receive from the Deputy of each District a copy of the monthly returns for Urdu schools and a copy of the Inspection Report of each Urdu school inspected.

(5) When visiting Municipal schools you should keep in touch with the Municipal authorities and local Mahomedans who are likely to help in the advance of Mahomedan education. Proposals for improvement of Municipal schools should be sent to the Educational Inspector and they will either be forwarded, if approved, to the Municipalities at once or embodied in the annual report on Municipal schools. Proposals should be made after due consideration of the financial resources of Municipal Boards.

(6) Most of your work will be connected with primary education but the possibility of extension of secondary education among Mahomedans should not be lost sight of and Secondary schools may be visited in order that enquiries may be made about the attendance of Mahomedans.

(7) A full and detailed report on Mahomedan education in the Division should be submitted annually as soon as possible after the close of the official year.

(8) For the remaining months of the current official year you had better occupy yourself in visiting the larger towns in each district which have Urdu schools and Local Board schools in the vicinity. You will also arrange to *inspect* some of these schools in consultation with the local Deputy Inspector and submit to this office Inspection Report in the prescribed form through the Deputy, one spare copy being supplied for his record.

You will also make yourself acquainted with the work of each of the Mahomedan Assistants and take the advice of the local Deputy as to conditions in their districts.

(9) You will inspect regularly every year at least 25 Urdu schools with the help of the Mahomedan Assistant Deputy of the circuit submitting Inspection Reports as directed above. Your remarks or reports on schools *visited* by you should be sent to me direct in duplicate.

(10) Advice which does not interfere with administration may be given direct to the teachers of Urdu schools, on your own initiative or in connection with the monthly returns which masters are being instructed to send direct to you.

(11) Villages without Urdu schools which have sufficient Mahomedan population may be visited by you to ascertain whether an Urdu school is really wanted and to increase the demand for such schools. Indigenous school masters may also be persuaded to qualify for registration.

(12) Deputy Educational Inspectors are being instructed to supply you with the present expenditure on Urdu boys' schools. There is usually every year some additional provision in the District Local Fund Budgets for teachers and a proportionate part will be proposed by the Deputy of the district for improving the strength and pay of the staff of Urdu teachers after consultation with you. You should arrange with the Deputy of each district at what times it will be convenient for you to send in your requirements. As regards appointments, transfers and promotions of lower paid teachers, the Deputy of each district will make them in consultation with you. Where my sanction is required, proposals will be made by the Deputy of the District after consultation with you. You may at any time send in your suggestions on these matters to the Deputy concerned.

(13) When grants are given for opening new Local Board schools the Deputies will consult you as to the number of Urdu schools that can be opened in each district. Throughout the year you should in the course of your tours take note of suitable places.

(14) An important part of your duty will be to persuade Mahomedan candidates to appear for the College Entrance examination and assist the heads of both Training Institutions in selecting them for admission.

APPENDIX J.

Detailed statement showing the names of the European and Indian members of the Indian Educational Service and their salaries (inclusive of allowances) before and after the recent revision of salaries and their years of service.

Serial No.	Name of the officer.	Appointment.	Years of service in the I.E.S. on 1st July 1920.	Salaries (inclusive of allowances) before the revision (*i.e.*, on 1st December 1919).		Salaries (inclusive of allowances) after the recent revision (*i.e.* on 1st July 1920).		Remarks.
			Y. m. d.		Rs. a. p.		Rs. a. p.	
1	C. J. W. Mayne, B.A. (Oxon.)	Principal, Rajkumar College, Rajkot.	21 8 0	Pay ... ... Duty allowance	1,250 0 0 250 0 0	Pay ... ... Overseas allowance ... ... Principal's allowance ...	1,250 0 0 250 0 0 150 0 0	
					1,500 0 0		1,650 0 0	
2	A. L. Covernton, M.A. (Oxon.)	Principal and Professor of English Literature, Elphinstone College.	21 7 27	Pay ... ... Personal allowance	1,250 0 0 250 0 0	Senior selection grade pay ... Overseas allowance ... ... Principal's allowance (senior) ...	*1,550 0 0 250 0 0 250 0 0	*(1,550—100—1,750)
					1,500 0 0		2,050 0 0	
	Dr. H. N. Allen, B.Sc. (London), Ph.D. (Nebraska).	Principal and Professor of Physics and Electrical Engineering, College of Engineering, Poona.	.....	.....	.....	.....	.....	On furlough preparatory to retirement.
3	A. C. L. Wilkinson, M.A. (Cantab.)	Principal and Professor of Mathematics, Deccan College, Poona.	19 6 18	Pay ... ... Special allowance	1,250 0 0 100 0 0	Junior selection grade pay ... Principal's allowance ... Overseas allowance ...	*1,250 0 0 150 0 0 250 0 0	*(1,250—50—1,500)
					1,350 0 0		1,650 0 0	
4	F. B. P. Lory, M.A. (Oxon.)	Educational Inspector, Southern Division.	18 9 4	Pay ... ... Personal allowance ... ... Permanent travelling allowance Tentage	1,250 0 0 500 0 0 100 0 0 11 1 9	Senior selection grade pay ... Overseas allowance ... ... Permanent travelling allowance Tentage	*1,550 0 0 250 0 0 100 0 0 11 1 9	*(1,550—100—1,750)
					1,861 1 9		1,911 1 9	
5	M. Hesketh, M.A. (Oxon.)	Educational Inspector in Sind ...	17 2 8	Pay ... ... Personal allowance ... ... Permanent travelling allowance Tentage	1,250 0 0 250 0 0 125 0 0 20 0 0	Junior selection grade pay ... Overseas allowance ... ... Permanent travelling allowance Tentage	*1,250 0 0 250 0 0 125 0 0 20 0 0	*(1,250—50—1,500) Doing duty as Educational Inspector, Central Division.
					1,645 0 0		1,645 0 0	

Serial No.	Name of the officer.	Appointment.	Years of service in the I.E.S. on 1st July 1920.	Salaries (inclusive of allowances) before the revision (*i.e.*, on 1st December 1919).		Salaries (inclusive of allowances) after the recent revision (*i.e.*, on 1st July 1920).		Remarks.
			Y. m. d.		Rs. a. p.		Rs. a. p.	
6	Miss M. E. Chubb ...	Lady Superintendent, Mahalaxmi Training College, Ahmedabad.	15 7 3	Pay ... ... Personal allowance	500 0 0 100 0 0	Pay ... ... Overseas allowance	750 0 0 50 0 0	
					600 0 0		800 0 0	
7	Miss A. E. Brooke ...	Inspectress of Girls' Schools in Sind.	9 8 25	Pay ... ... House rent ... ... Conveyance allowance ...	500 0 0 50 0 0 50 0 0	Pay ... ... Overseas allowance ... ... Conveyance allowance ... House rent	600 0 0 50 0 0 50 0 0 50 0 0	Her total service inclusive of her service in I. E. S. is 16-0-16.
					600 0 0		750 0 0	
8	J. T. Turner, M.A. (Cantab.)	Vice-Principal, Rajkumar College, Rajkot.	14 9 25	Pay	1,200 0 0	Pay ... ... Overseas allowance	1,000 0 0 250 0 0	
							1,250 0 0	
9	H. G. D. Turnbull, M.A. (Oxon.)	Professor of English Literature, Deccan College, Poona.	14 9 6	Pay	1,200 0 0	Pay ... ... Overseas allowance ... ... Principal's allowance ...	1,000 0 0 250 0 0 150 0 0	
							1,400 0 0	
10	F. W. Marrs, M.A. (Cantab.)	Educational Inspector, Central Division.	13 9 3	Pay ... ... Permanent travelling allowance . Tentage	1,150 0 0 100 0 0 11 1 9	Junior Selection grade pay ... Overseas allowance ... ... Permanent travelling allowance . Tentage	*1,250 0 0 250 0 0 100 0 0 11 1 9	(*1,250—50—1,500.)
					1,261 1 9		1,611 1 9	
11	O. H. T. Dudley, M.A. (Oxon.)	Inspector of European Schools, Bombay Presidency.	12 6 26	Pay	1,050 0 0	Junior selection grade pay ... Overseas allowance	†1,250 0 0 250 0 0	(†1,250—50—1,500.)
							1,500 0 0	
12	R. Marrs, M.A. (Oxon.) ...	Professor of Logic and Moral Philosophy, Elphinstone College.	12 5 20	Pay	1,050 0 0	Pay ... ... Overseas allowance	950 0 0 250 0 0	
							1,200 0 0	

13	H. G. Rawlinson, M.A. (Cantab.).	Principal and Professor of History and English, Karnatak College.	12 5 24	Pay ... . 1,050 0 0 Special allowance 200 0 0 1,250 0 0	Junior selection grade pay ... *1,250 0 0 Overseas allowance ... 250 0 0 Principal's allowance ... 150 0 0 1,650 0 0	*(1,250—50—1,500.)
	G. Anderson, M.A. (Oxon.)	Professor of History, Elphinstone College.	.....	....	... .	Under the Government of India.
14	Miss E. Corkery ...	Inspectress of Girls' Schools, Bombay and Northern Division.	10 11 1	Pay ... ... 500 0 0 Personal allowance ... ... 100 0 0 House rent ... ... 100 0 0 Conveyance allowance ... 75 0 0 775 0 0	Pay ... ... 625 0 0 Overseas allowance ... ... 50 0 0 House rent ... ... 100 0 0 Conveyance allowance ... 75 0 0 850 0 0	Her total service inclusive of her service in the I.E.S. is 34-9-12.
15	R. S. Cree Brown, B.Sc. (New Zealand).	Professor of Mechanical Engineering, College of Engineering, Poona.	10 9 2	Pay 1,000 0 0	Pay ... ... 850 0 0 Overseas allowance ... ... 250 0 0 Principal's allowance ... 150 0 0 1,250 0 0	Acting as Principal, College of Engineering, Poona.
16	Dr. C. J. J. Fox, Ph.D., B.Sc. (Lon.).	Principal and Professor of Chemistry, Royal Institute of Science, Bombay.	10 8 4	Pay 1,000 0 0	Pay ... ... 850 0 0 Overseas allowance ... ... 250 0 0 Principal's allowance ... 150 0 0 Special allowance 100 0 0 1,350 0 0	
17	C. J. Sisson, M.A. (Edin.).	Professor of English Literature, Elphinstone College.	9 6 1	Pay ... ... 900 0 0 Local allowance ... ... 100 0 0 Bombay house allowance ... 170 0 0 1,170 0 0	Pay ... ... 800 0 0 Overseas allowance ... ... 250 0 0 Local allowance 100 0 0 1,150 0 0	
18	Miss M. Newland ...	Lady Superintendent, Training College for Women, Dharwar.	9 4 4	Pay 500 0 0	Pay 500 0 0	Her total service inclusive of her service in the I.E.S. is 21-5-18.

Serial No.	Name of the officer.	Appointment.	Years of service in the I.E.S. on 1st July 1920.	Salaries (inclusive of allowances) before the revision (*i.e.*, on 1st December 1919.)		Salaries (inclusive of allowances) after the recent revision (*i.e.*, on 1st July 1920.)		Remarks.
			Y. m. d.		Rs. a. p.		Rs. a. p.	
19	A. C. Miller, M.A. (Cantab.)	Principal, Elphinstone High School, Bombay.	8 11 3	Pay	900 0 0	Pay	750 0 0	
						Overseas allowance	250 0 0	
						Deputation allowance ...	200 0 0	
							1,200 0 0	
20	H. E. H. Pratt, M.A. ...	Inspector of Science Teaching, Bombay Presidency.	8 6 23	Pay	850 0 0	Pay	750 0 0	
				Personal allowance	125 0 0	Overseas allowance	250 0 0	
					975 0 0		1,000 0 0	
21	C. R. W. Griffith, M.A. (Oxon.), F.R.G.S.	Head Master, Poona High School.	8 5 9	Pay	850 0 0	Pay	750 0 0	
				Conveyance allowance ...	30 0 0	Overseas allowance	250 0 0	
						Conveyance allowance ...	30 0 0	
					880 0 0		1,030 0 0	
22	Dr. A. N. Meldrum, D.Sc. (Aber.).	Professor of Physics and Chemistry, Gujarat College, Ahmedabad.	8 2 28	Pay	1,000 0 0	Pay	1,000 0 0	
						Overseas allowance	250 0 0	
						Local allowance	200 0 0	
						Principal's allowance ...	150 0 0	
							1,600 0 0	
23	Rev. W. G. Robertson, M.A. (Aber.), B.D.	Principal and Professor of English Literature, Gujarat College, Ahmedabad.	7 11 15	Pay	1,000 0 0	Junior selection grade pay ...	*1,250 0 0	* (1,250—50 1,500.)
				Personal allowance	200 0 0	Overseas allowance	250 0 0	
						Principal's allowance ...	150 0 0	
					1,200 0 0		1,650 0 0	
24	W. T. Saxton, M.A., F.L.S.	Professor of Botany, Gujarat College, Ahmedabad.	6 8 25	Pay	1,000 0 0	Pay	650 0 0	
						Additional pay	250 0 0	
						Overseas allowance	200 0 0	
							1,100 0 0	
25	R. W. Cable ...	Professor of Architecture and Design, Sir J. J. School of Art.	6 4 25	Pay	700 0 0	Pay	700 0 0	

26	H. V. Hampton, M.A. (Dub.)	Professor of Logic and English, Gujarat College, Ahmedabad.	6 4 9	Pay ...	750 0 0	Pay ...	650 0 0			
						Overseas allowance ...	200 0 0			
							850 0 0			
27	F. Ludlow, M.A. (Cantab.)	Principal, D. J. Sind College ...	11 9 19	Pay ...	750 0 0	Pay ...	750 0 0	Doing duty as Inspector of European Schools, Bombay Presidency.		
28	R. A. Hoggarth, A.R.C.A.	Inspector of Drawing and Craft work, Bombay Presidency.	5 7 25	Pay ...	875 0 0	Pay ...	875 0 0			
				Temporary personal allowance ...	125 0 0	Temporary personal allowance ...	125 0 0			
				Bombay house allowance ...	170 0 0	Bombay house allowance ...	80 0 0			
					1,170 0 0		1,080 0 0			
29	W. Grieve, M.A., B.Sc. (Edin.)	Head Master, N. J. High School, Karachi.	5 7 23	Pay ...	750 0 0	Pay ...	600 0 0			
						Overseas allowance ...	200 0 0			
							800 0 0			
30	N. N. Ayyangar, L.C.E.	Professor of Civil Engineering, College of Engineering, Poona.	.....	.....		.....		He draws pay according to his position on the list of P. W. D. Officers.		
31	A. C. Farran, B.A. (Ire.)	Professor of History and Political Economy, Elphinstone College.	5 5 26	Pay ...	700 0 0	Pay ...	600 0 0			
						Overseas allowance ...	200 0 0			
							800 0 0			
32	C. Graham Smith, O.B.E., A.C.G.I., A.M.I.C.E.	Professor of Engineering, College of Engineering, Poona.	4 5 21	Pay ...	650 0 0	Pay ...	600 0 0			
						Overseas allowance ...	150 0 0			
							750 0 0			
33	Miss R. Navalkar, B.A. ...	Lady Superintendent, Training College for Women, Poona.	0 1 12	Pay ...	260 0 0	Pay ...	400 0 0	Her total service inclusive of her service in the I. E. S. is 20-2-24.		
				Conveyance allowance ..	50 0 0	Conveyance allowance ...	50 0 0			
					310 0 0		450 0 0			
34	D. S. Savarkar, L.C.E. ...	Educational Inspector, Northern Division.	1 1 17	Pay ...	800 0 0	Pay ...	800 0 0	His total service inclusive of his service in the P. E. S. is 29-3-3.		
				Permanent travelling allowance ..	100 0 0	Permanent travelling allowance ..	100 0 0			
				Tentage ...	11 1 9	Tentage ...	11 1 9			
					911 1 9		911 1 9			
35	K. G. Joshi, B.A. ...	Assistant D. P. I. ...	1 1 17	Pay ...	500 0 0	Pay ...	500 0 0	His total service inclusive of the service in the P. E. S. is 20-0-19.		

Serial No.	Name of the officer.	Appointment.	Years of service in the I. E. S. on 1st July 1920.	Salaries (inclusive of allowances) before the revision (*i.e.*, on 1st December 1919).		Salaries (inclusive of allowances) after the recent revision (*i.e.*, on 1st July 1920).		Remarks.
			Y. m. d.		Rs. a. p.		Rs. a. p.	
36	S. G. Sathe, M.A. ...	Professor of Logic and Moral Philosophy, Deccan College, Poona.	1 1 17	Pay ...	500 0 0	Pay ...	500 0 0	His total service inclusive of the service in the P. E. S. is 18-6-19.
37	S. N. Moos ...	Vice-Principal, D. J. Sind College, Karachi.	1 1 17	Pay ...	500 0 0	Pay ...	500 0 0	Doing duty as Inspector of Science Teaching, Bombay Presidency.
38	H. A. Sadarangani ...	Principal, Secondary Training College, Bombay.	0 10 24	Pay ... Duty allowance ...	500 0 0 100 0 0	Pay ... Principal's allowance ...	500 0 0 150 0 0	
					600 0 0		650 0 0	
39	D. D. Kapadia, M.A., B.Sc.	Professor of Mathematics, Elphinstone College, Bombay.	0 9 23	Pay ...	800 0 0	Pay ...	800 0 0	His total service inclusive of the service in the P. E. S. is 18-10-26.
40	H. Hamill ...	Professor of English, Deccan College.	0 9 4	Pay ...	500 0 0	Pay ... Overseas allowance ...	400 0 0 150 0 0	
							550 0 0	
41	W. E. G. Solomon ...	Principal and Decorative Artist and Architectural Sculptor, Sir J. J. School of Art.	0 7 6	Pay ... House-rent ...	750 0 0 100 0 0	Pay ... House-rent ...	750 0 0 100 0 0	
					850 0 0		850 0 0	
42	G. R. Paranjpye ...	Professor of Physics, Royal Institute of Science, Bombay.	Recently appointed.	.....		Pay ...	600 0 0	

APPENDIX K.

TRAINING COLLEGE FOR WOMEN, DHARWAR. COURSE OF STUDY, 1910.

Second Year.

Mathematics. Marks 100.	Language. Marks 100.	Manuscript reading; composition and copy writing. Marks 100.
Mks.	Mks.	Mks.
(*a*) Revision of the work done in the previous year with harder examples in Profit and Loss, Present Worth and Discount and easy examples in time and work.	(*a*) Reading prose lessons from Book VII, Part I, with explanation of the part read, meanings of words and idioms.	(*a*) Manuscript reading with fluency 20
The Theory of the Arithmetic set for standards IV—V ... 75		
(*b*) Household book-keeping ... 25	(*b*) Poetry lessons from Book VII, Part I, for explanation, paraphrase and recitation.	(*b*) To set a copy to standards I—V 20
	(*c*) Grammar,—the larger grammar, *e.g.*, Nudigattu Part II, omitting pages 94—109. Analysis of compound sentences.	(*c*) To write an essay on any ordinary subject 60
	Written paper 75	
	Oral 25	

History and Geography. Marks 100.	Elementary Science. Marks 100.	Theory and Practice of Teaching. Marks 200.
Mks.	Mks.	Mks.
(*a*) History of India... ... 50	(*a*) Physiology and Hygiene. An elementary knowledge of the systems of the human body and their chief functions. A general knowledge of the requirements of healthy life with special reference to childhood ... 50	(*a*) Fowler's Discipline and Instruction, Chapters I—XXIV. Methods of teaching all the subjects taught in primary schools. A knowledge of the Teachers Code and school forms 100
(*b*) General Geography of the World with special knowledge of the British possessions. Elements of Physical Geography inclusive of the terms of natural phenomena such as seasons, night and day, eclipses, tides, climate, rain, dew, etc.	(*b*) A few simple facts regarding Air, Water, Heat and Food ... 50	(*b*) To teach any class of a primary school in any subject before the examiner. Year's work to be taken into account... 100
(*c*) Map drawing of India (Political) (Diagrams and maps drawn during the year to be shown) 50		

Hand work. Marks 100.	Needle-work. Marks 100.	Physical exercise. Marks 50.	Singing. Marks 50.
Mks.	Mks.	Mks.	Mks.
(*a*) To show 10 examples of clay modelling for children between the ages of 8 and 12 ... 25	(*a*) Plain sewing, cutting out and making a child's frock ... 60	Combinations of the movements learnt in the 1st year. To instruct a class before the Examiner ... 50	Scales and songs from Books IV and V and 6 Kindergarten action songs ... 50
(*b*) Drawing from nature, flowers, leaves, fruit . 75	(*b*) Fancy work, any form of Indian embroidery. 40		

TRAINING COLLEGE FOR WOMEN, DHARWAR.

Third Year.

Mathematics. Marks 100.	Reading, etc. Marks 100.	Composition. Marks 100.
Mks.	Mks.	Mks.
Examples in Time, Work and Speed. Present Worth and Discount.	(*a*) Reading—Prose about 75 pages —from some standard author to be taken orally ... 25	(*a*) To set a copy to any of the vernacular standards of a primary school. Year's work to be shown ... 30
Areas of equilateral and isosceles triangles and a Circle. Cubical dimensions of a sphere and a cylinder.	(*b*) Poetry—50 verses from Jaimini or another book equally difficult to be taken orally, with explanation and recitation ... 25	(*b*) To write an essay on any ordinary subject ... 70
Arithmetic set for Standards I—VI. Household Book-keeping ... 100	(*c*) Nudigattu-Grammar, Part I and pages 94—109 of Part II. Analysis. Written paper in Grammar, Prose and Poetry... 50	

History and Geography. 100.	Theory and Practice of teaching. 250.	Elementary Science. 100.
Mks.	Mks.	
History—British period with some information regarding the system of Government ... Geography. Outline Geography of the North and South America and of Oceania, also revision of the particular geography of India. Maps of India showing physical features and important towns from memory. Diagrams and maps drawn during the year to be shown 50	(*a*) Methods of teaching all the subjects taught in primary schools. Thorough knowledge of the theory and practice of teaching and of school management. Official correspondence including the rules given in the vernacular mistresses' Code. Training of the senses and memory and the order in which the faculties of children are developed. Formation of habits and principles of moral discipline. Moral lessons, their aims and objects ... ... 100 (*b*) A lesson to be given before the examiner (year's work to be taken into account). ... 100 (*c*) Revision of the previous course and handwork done in specimen books to be shown ... 50	I. Common ailments, accidents, etc., their prevention and home treatment, itch, ringworm, boils, bruises, cuts, wound, scalds and burns. Bleeding, fainting, headache, sorethroat, loss of voice. II. Infections and contagious diseases, their prevention, symptoms and treatment till medical aid is obtained. Mumps, measles, chicken-pox, sore-eyes, disinfection by fumigation. Small-pox (vaccination), plague (inoculation), and (segregation), Diarrhœa, dysentery, cholera, simple fever (how caused and how to prevent it). Phthisis. How to feel the pulse, and use the thermometer. III. Disinfection by fumigation, chemicals and heat. Treatment of human excreta, clothing and bleeding during these diseases. IV. General rules for the care of the sick. Some simple recipes for invalid cookery. V. Disposal of waste impurities and refuse chiefly from the house. VI. Plant life. The recognition of the most common local trees and flowers throughout the year.

Drawing. 100.	Needle work. 100.	Physical exercise. 50.	Singing. 50.
Mks.	Mks.		
Drawing on the Blackboard. Illustrations for object lessons and stories. Year's work done in books to be shown 100	(*a*) Specimens of various kind of plain needle work to be shown ... 40 (*b*) Cutting out any child's garment or woman's choli ... ... 30 (*c*) Fancy embroidery specimen in silk or any other embroidery to be shown 30	A thorough knowledge of various kinds of Drill suitable for use in Vernacular primary schools.	Theory of tunes of poetry in vernacular readers V, VI & VII.

APPENDIX L.

The Labour Commissioner in Madras who has been appointed for two years in the first instance is a senior officer of the I. C. S. of the grade of Collector whose pay according to length of service varies from Rs. 2,150 to 2,500 plus a deputation allowance of Rs. 250 p. m. His appointment was made with a view to coordinate the various measures which were being undertaken both by official and non-official agency for the amelioration of the condition of the depressed and labouring classes including the aboriginal and the criminal tribes. Generally speaking, his duties are to study the economic condition of these classes, submit to Government proposals for improving it in co-operation with philanthropic bodies working with the same object, to deal with the problems connected with their education and to take steps to provide them with house-sites and wells, to encourage co-operation, to improve their labour conditions and otherwise to raise their standard of living. The control of criminal settlements, the supervision of the wage census, the administration of those portions of the Factories Act which deal with factory labour and questions connected with the emigration of Labour fall within the purview of his functions. He also deals with all matters affecting the welfare of labour such as the organization of labour, the recognition or registration of labour unions, the settlement of labour disputes and the prevention of strikes and lock outs and this at present is perhaps the most important part of his work.

An Advisory Board of persons informed on, and interested in, labour questions has been associated with the Commissioner in order to advise him on the complex problems that arise.

Bill No. IV of 1920.

A Bill to provide for the extension of primary education in the City of Bombay.

REPORT OF THE SELECT COMMITTEE.*

We, the undersigned members of the Select Committee appointed to consider Bill No. IV of 1920 (A Bill to provide for the extension of primary education in the City of Bombay) beg to submit our report as follows :—

1. We have amended clause 19 (*b*) of the Bill to ensure that the persons co-opted shall be persons resident in the City of Bombay who are not members of the corporation.

2. The proposed repeal of section 62-B deprives the corporation of the guarantee given to them under that section. We are of opinion that the corporation should be guaranteed the same treatment as a city municipality in respect of expenditure on primary education, and for that purpose have included new section 62-B in the Bill.

3. A "child" as defined in section 2 (*2*) of the Bill includes a child up to the age of eleven years. We considered at length the question whether specific provision should be made in the Bill requiring the Municipal Schools' Committee to make special arrangements for children employed as half-timers. It was considered, however, that a question affecting the industries of the City might be safely left to the discretion of a committee of the governing body of that city, and we recommend no change in the Bill in this respect.

Bombay, 7th September 1920.

(Signed) IBRAHIM RAHIMTOOLA.
(„) J. G. COVERNTON.
(„) R. P. PARANJPYE.
(„) PHIROZE C. SETHNA.
(„) CHUNILAL V. MEHTA.
(„) C. FERNANDES.
(„) GOKULDAS K. PAREKH.
(„) H. P. W. MACNAGHTEN.
(„) DINSHAW PETIT.
(„) S. K. BARODAWALLA.
(„) MUNMOHUNDASS RAMJI.

* The Bill as amended by the Select Committee was published in the *Bombay Government Gazette*, Part V, dated 8th September 1920.

Bill No. V of 1920.

(A Bill to amend the Bombay Town Planning Act, 1915.)

REPORT OF THE SELECT COMMITTEE.*

We, the undersigned, members of the Select Committee appointed to consider Bill No. V of 1920 (a Bill to amend the Bombay Town Planning Act, 1915), have the honour to report as follows:—

We have no change to recommend as regards the first three clauses of the bill. As expert opinion is at variance as regards the desirability of the changes in the original Act contemplated by the amendments embodied in clause 4 of the bill, we propose the deletion of this clause and of sub-clause (*a*) of clause 5 as consequential thereto.

Bombay, 7th September 1920.

(Signed) G. S. CURTIS.
(„) T. J. STRANGMAN.
(„) PURSHOTAMDAS THAKURDAS.
(„) CHUNILAL V. MEHTA.
(„) E. G. TURNER.
(„) P. J. MEAD.
(„) G. K. SATHE.
(„) B. S. KAMAT.
(„) HARILAL DESAIBHAI DESAI.

BILL No. VI OF 1920.

(A Bill to consolidate and amend the law relating to pleaders in the presidency of Bombay.)

REPORT OF THE SELECT COMMITTEE.†

We, the undersigned members of the Select Committee appointed to consider Bill No. VI of 1920 (a Bill to consolidate and amend the law relating to pleaders in the presidency of Bombay), have the honour to report as follows.

We have had the advantage of certain proposals to amend the Bill which were put before us by the Honourable the Advocate General in the form of draft amendments. The general principles on which the proposed amendments proceed are as follows:—

(*a*) that the position of pleaders should be assimilated to that of attorneys of the High Court as regards a lien in certain respects for and the recovery of taxed costs;

(*b*) that disciplinary jurisdiction in respect of pleaders should vest in the High Court;

(*c*) that the form of sanad for High Court Pleaders and District Pleaders should be, as far as possible, the same;

(*d*) that pleaders should be allowed to appear before public officers in judicial and *quasi*-judicial matters.

* The Bill as amended by the Select Committee was published in the *Bombay Government Gazette*, Part V, dated 8th September 1920.

† The Bill as amended by the Select Committee was published in the *Bombay Government Gazette*, Part V, dated 11th September 1920.

These principles were approved by the Committee and the amendments submitted have with slight alteration been embodied in the Bill. The notes on clauses appended will further explain the grounds on which the amendments made in the Bill are based.

Clause 2.—The definition of pleader has been amended to indicate what at present has to be gleaned from several sources, *viz.*, that attorneys of the High Court are entitled to practise outside Bombay in the same manner as High Court Vakils.

Clause 5.—The provisions restricting a pleader to a particular district must be retained to render effective the power given to the District Judge under section 8 (*a*) of providing for courts in which the number of practising pleaders may be insufficient. A sub-clause, however, has been added to allow of a district pleader appearing in a district court for which his sanad is not available. This should be sufficient to provide for exceptional cases.

Clause 6.—The provision that a person in Government service should not be admitted as a pleader is in accordance with present practice.

Clauses 7 and 8.—We consider it desirable that pleaders should be allowed to appear in certain proceedings before public officers exercising judicial and *quasi*-judicial functions. It is not however desirable that they should appear in the less important matters which are dealt with by such officers and we have adopted the course of specifying the more important proceedings in which they should appear and of empowering the local Government to add to the list by notification. We have omitted proceedings under the Land Acquisition Act and the Registration Act. These being Government of India Acts we think the more correct procedure will be for Government to issue a circular giving pleaders a right of appearance in certain proceedings thereunder, *i.e.*, under section 11 of the former act and all appeals under the latter act.

Clause 10 (4).—This has been redrafted on the lines of rule 60 of the Appellate Side Rules of the High Court.

Clause 12.—As in certain cases a pleader may be retained with no intention of instructing him in the case, it is desirable that in such cases the pleader should be allowed, with the permission of the court, to appear on behalf of the opposite party.

Clause 13.—The provision requiring a receipt in writing for a document is not in practice complied with: and as it would in many cases involve a considerable increase in the pleader's work, we are of opinion that the provision should be restricted to cases where a demand for a receipt is made. At the same time we think the giving of receipts for important documents should be encouraged so far as possible. We have accordingly confined a pleader's lien over documents to those for which he has given a receipt.

Clause 18.—As costs are awarded as an indemnity, we are of opinion that the amount of pleader's fee awarded should not be in excess of the amount actually paid or agreed to be paid by the party to whom costs are awarded. So far as the pleader for the successful party is concerned, he should not receive more than what he has agreed to receive.

Clause 19 (1).—The omission of the proviso in clause 19 (*1*) is consequential on the amendment in section 18.

Clause 19 (2).—In the absence of any agreement, the full amount of pleader's fee allowed on taxation should be recoverable by the pleader.

Clause 21.—The clause has been redrafted without making any change in the substance.

Clause 25.—The amendment does not introduce any change of substance, but we have considered it advisable to adopt the wording of the sanad, Schedule II (Forms A and B).

Clause 26.—The power of fine and reprimand vested in certain courts under this clause is one that has not been availed of to any extent in the past.

We consider that it would be more suitable that the authority which grants the sanad should be the authority to deal with misconduct. The clause has been amended accordingly.

Clauses 29 and 30.—We are of opinion that a summary remedy should be given to the pleader for recovery of his taxed costs and further that he should have a lien in certain cases.

Clause 31 (1) (C).—We have amended the clause as it may be found convenient to have other than district bar associations.

Clause 31 (1) (G).—Provides for the allowance and taxation of pleader and client costs in both litigious and non-litigious business. It will be for the High Court to decide whether and when they should frame such rules.

Schedule II, Form A.—We have omitted the note appended to the form as it is not in our opinion necessary to specify any particular causes for which a pleader may be removed or suspended from practice.

Schedule II, Form B.—This form has been amended to assimilate it to the form of sanad for High Court Vakils.

(Signed) G. CARMICHAEL,
(„) T. J. STRANGMAN,
(„) G. K. SATHE,
(„) GOKULDAS K. PAREKH,
(„) CHUNILAL V. MEHTA,
(„) D. V. BELVI,
(„) HARILAL DESAIBHAI DESAI,
(subject to a minute of dissent).
(„) C. N. SEDDON,
(„) PHIROZE C. SETHNA.

Bombay, 11th September 1920.

(Minute of dissent by the Honourable Rao Saheb Harilal Desaibhai Desai, LL.B.)

While sincerely appreciating the concessions so fairly made in the Select Committee by the Honourable the Member in charge and the Honourable the Advocate General as regards many of the important objections to the provisions of the bill as originally drafted, I regret to have to record my dissent about the provisions regarding the retaining fee (clause 11).

2. A pleader combines in him the functions of an attorney as well as an advocate. An attorney is under no obligation to insist on a retaining fee being paid to him. There is no reason why for work as an attorney or before the case has gone to court a pleader should be required to demand a retaining fee and not to " perform any services " until it is paid.

3. The existing provision about retaining fee in the second clause to section 50 of Regulation II of 1827 only refers to the engagement of a pleader to act on behalf of a party in a proceeding in court. It lays down that if the retaining fee be not paid the pleader shall abstain from all proceeding until it is delivered. Clause 11, sub-clause (*2*) of the bill, however, lays down that a pleader shall not perform *any services* for such party until the fee has been paid. This provision imposes a limitation as regards a pleader's work as an attorney out of court, and goes far beyond the existing law. No reasons are forthcoming for such a far reaching provision. In the matter of conveyancing, drafting documents, notices, etc., a pleader acts as an attorney, and no retaining fee ought to be necessary for such work. Under Act I of 1846, section 9, pleaders

are entitled to give opinions on payment of fees settled by private agreement, and retaining fee is not obligatory of the work.

4. Again, the obligation sought to be imposed on a pleader is unilateral. The acceptance of retaining fee binds the pleader to appear, plead or act for a party until relieved by court; but the party is not bound to further employ him and to avail himself of his professional services by paying him fees under clause 17. Further, a pleader's liberty to perform any services gratis for social or charitable considerations is also taken away. In actual working the provision would be either evaded or would only serve to embarass a conscientious man.

5. At any rate, therefore, clause 11 requires to be so amended as to impose no obligation on a pleader to levy a retaining fee for his work as an attorney or for services rendered gratis.

6. I would, therefore, add the words "to act in a proceeding in court" after the word "pleader" in sub-clause (*1*) of clause 11, and the words "unless the services are performed gratis" at the end of sub-clause (*2*).

(Signed) HARILAL DESAIBHAI DESAI.

Bill No. VII of 1920.

A Bill further to amend the City of Bombay Improvement Act, 1898, and the City of Bombay Municipal Act, 1888.

REPORT OF THE SELECT COMMITTEE.*

We, the undersigned members of the Select Committee appointed to consider Bill No. VII of 1920 (a Bill further to amend the City of Bombay Improvement Act, 1898, and the City of Bombay Municipal Act, 1888), have the honour to report as follows:—

1. We are of opinion that the Bill should contain a statement of the purposes on which the duty will be spent, the area to which these purposes will be limited and the proportion in which the proceeds of the tax shall be allotted to the City of Bombay and the Bombay Suburban Revenue Division. The preamble to the Bill has been amended, and sub-section 195B (*2*) added accordingly.

2. As it is the intention of Government that the buildings erected within the City of Bombay shall be handed over to the Corporation as soon as the scheme of building operations has been carried to completion and rents are stabilised, we are of opinion that provision should be made in the Bill for this purpose. New clause 195C. provides for separate accounts being kept of expenditure on providing tenements within the municipal limits; for giving the Corporation in the year 1936 the option of taking over such tenements, subject to all liabilities in respect thereof; for the adjustment of such liabilities by arbitration; and where the income in the year 1936 from such tenements is less than the expenditure to be incurred on account thereof, for the deduction by the Corporation from payments to be made under section 195B of the amount of such loss.

3. We discussed the question of having an executive or advisory board to supervise or aid in the execution of the proposed works and decided that the question was outside the scope of the Bill. The appointment of an executive board would require further legislation; but it was decided by the casting vote of the Chairman, to recommend that two advisory boards should be constituted, one for the City of Bombay and one for the Bombay Suburban Revenue Division. The advisory board for the City of Bombay should consist of two representatives elected by the Corporation, one by the Bombay Chamber of Commerce, one by the Indian Merchants' Chamber and Bureau, one by the Millowners' Association

* The Bill as amended by the Select Committee was published in the *Bombay Government Gazette*, Part V, dated 8th September 1920.

and one by the Improvement Trust. The board for the Bombay Suburban Revenue Division should be representative of local authorities and important interests in the sub-division.

(Signed) G. S. CURTIS,
(„) H. P. W. MACNAGHTEN,
(„) E. G. TURNER,
(„) PHIROZE C. SETHNA,
(„) CHUNILAL V. MEHTA,
(„) DINSHAW PETIT,
(„) PURSHOTAMDAS THAKURDAS,
(„) GOKULDAS K. PAREKH,
(„) MUNMOHUNDASS RAMJI.

Bombay, 8th September 1920.

BILL No. VIII of 1920.

(A Bill further to amend the Bombay Town Planning Act, 1915.)

REPORT OF THE SELECT COMMITTEE.*

We, the undersigned, members of the Select Committee appointed to consider Bill No. VIII of 1920 (a Bill further to amend the Bombay Town Planning Act, 1915), have the honour to report as follows:—

We consider it desirable that, before a local authority is made liable for the execution of a town planning scheme in the framing of which it had no say, the consent of such local authority to the proposed transfer should be obtained. We have, therefore, amended clause 2 of the bill accordingly.

(Signed) G. S. CURTIS,
(„) T. J. STRANGMAN,
(„) PURSHOTAMDAS THAKURDAS,
(„) CHUNILAL V. MEHTA,
(„) P. J. MEAD,
(„) HARILAL DESAIBHAI DESAI,
(„) G. K. SATHE,
(„) B. S. KAMAT,
(„) E. G. TURNER.

6th September 1920.

BILL No. X of 1920.

(A Bill further to amend the Bombay District Police Act, 1890.)

REPORT OF THE SELECT COMMITTEE.†

We, the undersigned, members of the Select Committee appointed to consider Bill No. X of 1920 (a Bill further to amend the Bombay District Police Act, 1890), have the honour to report as follows.

2. We have no change to recommend as regards the first three clauses of the Bill. As regards clause 4 we are of the opinion that the nuisance

* The Bill as amended by the Select Committee was published in the *Bombay Government Gazette*, Part V, dated 7th September 1920.

† The Bill as amended by the Select Committee was published in the *Bombay Government Gazette*, Part V, dated 31st August 1920.

which it is designed to abate is not sufficiently marked in the mofussil to necessitate legislation at the present time and we have therefore deleted the clause

3. This report should be translated into the same languages as was the bill when introduced.

Bombay, 30th August 1920.

(Signed) G. CARMICHAEL,
(„) G. K. SATHE,
(„) PURSHOTAMDAS THAKURDAS,
(„) P. A. DESAI,
(„) B. S. KAMAT,
(„) L. ROBERTSON,
(„) SHEIKH GHULAM HUSSEIN HIDAYATALLAH.

Bill No. XI of 1920.

A Bill further to amend the Bombay Rent (War Restrictions) Act, 1918, and to amend the Bombay Rent (War Restrictions, No. 2) Act, 1918.

REPORT OF THE SELECT COMMITTEE. *

We, the undersigned, members of the Select Committee appointed to consider Bill No. XI of 1920 (a Bill further to amend the Bombay Rent (War Restrictions) Act, 1918, and to amend the Bombay Rent (War Restrictions, No. 2) Act, 1918, have the honour to report as follows :—

As there is sometimes a considerable interval between the date on which an order for recovery of possession is passed and the date when possession is obtained, we are of opinion that the landlord should be allowed six months from the latter date before an application from the original tenant under proposed section 10A can be made. It is desirable also to fix a time limit within which an application by the original tenant should be made, and to provide that if the premises were reasonably and *bonâ fide* required for the purposes specified and are not used for such purposes through no fault of the landlord, compensation should not be awarded. Clause 2 of the Bill has been amended accordingly.

2. We are of opinion that in suits for rent, compensation for use and occupation or ejectment, a distinction should be made between houses of which the monthly rental is over thirty rupees and those of which the monthly rental is under thirty rupees. In the former case it is highly improbable that the premises are small premises and the landlord should not be required to obtain an order determining that the premises are not small premises before he can bring a suit of the nature specified.

(Signed) G. S. CURTIS,
(„) C. N. SEDDON,
(„) CHUNILAL V. MEHTA,
(„) GOKULDAS K. PAREKH,
(„) E. G. TURNER,
(„) DINSHAW PETIT,
(„) T. J. STRANGMAN.

Poona, 28th August 1920.

* The Bill as amended by the Select Committee was published in the *Bombay Government Gazette*, Part V, dated 1st September 1920.

Bill No. XII of 1920.

(A Bill further to amend the Bombay Port Trust Act, 1879.)

REPORT OF THE SELECT COMMITTEE.*

We, the undersigned members of the Select Committee appointed to consider Bill No. XII of 1920 (A Bill further to amend the Bombay Port Trust Act, 1879), have the honour to report as follows.

We discussed at length the question of hotel accommodation and while fully admitting the serious shortage of such accommodation in Bombay we are of the opinion that it is proper only for a Port Trust to provide temporary accommodation for passengers using the port on arriving or departing by sea. We have therefore provided for the construction of waiting and refreshment rooms and we have defined "waiting rooms" as including temporary sleeping accommodation.

We have also had it brought prominently to our notice that owing to defective drafting in an amendment of the original section 68 (7) of the Act a doubt exists as to the sufficiency of the powers conferred upon the Port Trust for the construction of other necessary buildings.

We have by re-drafting clause 3 of the Bill removed this doubt.

Poona, 28th August 1920.

(Signed) G. S. CURTIS,
(,,) R. P. PARANJPYE,
(,,) G. K. SATHE,
(,,) PURSHOTAMDAS THAKURDAS,
(,,) G. W. HATCH,
(,,) PHIROZE C. SETHNA,
(,,) H. P. W. MACNAGHTEN,
(,,) CHUNILAL V. MEHTA,
(,,) R. E. ENTHOVEN,
(,,) S. K. BARODAWALLA.

From

R. S. SULE, Esq.,
Pleader,
1685, Shukrawar Peth,
Poona City;

To

THE SECRETARY TO THE LEGISLATIVE COUNCIL,
Poona.

Poona, 27th July 1920.

Sir,

I have the honour to forward for your consideration my humble suggestions regarding alterations and amendments of the Bombay Pleaders Bill (No. VI of 1920) and to request you to be pleased to support them, wherever it is necessary, to have them embodied in the Bill, and to submit the same to His Excellency the Governor and President of the Council.

I have the honor to be,
Sir,
Your most obedient servant,
R. S. SULE.

* The Bill as amended by the Select Committee was published in the *Bombay Government Gazette*, Part V, dated 1st September 1920.

Alterations and amendments suggested to the Bill No. VI of 1920.

Alterations or amendments.	Objects and reasons therefor.
Delete clause 3 altogether	It is proposed to abolish the distinction between the District Court Pleaders and the High Court Vakils as the examination for the District Court Pleaders was stopped 8 years ago. The examinations that qualify a candidate for a pleader's profession are LL.M. and LL.B. of the Bombay University and the Pleaders Examination conducted by the High Court. Pleaders' profession is considered and judicially pronounced to be of a very honourable and high character and in order to keep the prestige, a high and uniform license fee should be levied and there should be one class of pleaders. There will be some apparent difficulty as to what to do of the existing District Pleaders. Whether the class is to be abolished altogether or whether all of them are to be compelled to pay Rs. 500 for the new Sanad or whether they are to be retained as they are, till the entire class vanishes by death or otherwise, are the principal questions to be considered. At the present times in every sphere of life an evolution is either deserved or desired. There has been no allurement or encouragement held in view of this class for betterment as it is held before the High Court Vakil's class to become advocates after fulfilling certain terms. All of them except a very small number have been practising over 10 years and it is but legitimate to give them the option of coming to the level of the High Court Vakils. So far as my little experience goes I notice that District Pleaders are at the top in Poona, Thana and Kolaba Districts though High Court Vakils have crowded for competition. A suitable provision is suggested for the requirements of those who do not choose to take advantage of the new sphere but who wish to stand where they are at present.
Substitute for clause 3 clause 6 with the following alterations and additions :—	As the distinction is abolished the provisions for admission should precede the provisions for Sanads.
Substitute — "Admission of Pleaders" for the marginal note.	
Substitute— "of good moral" for "unexceptional" in sub-clause (1).	As the class of pleaders has been all along loyal and as every investigation is already made into the character of the candidate for the pleaders' examination a more stringent word like "unexceptional" should not be used but the usual term "good moral character" be used.
Add a new sub-clause— (3) Pleaders who are practising at the commencement of this Act shall be deemed to have been admitted under this Act.	As all the pleaders are to be brought on the same level, sub-clause (3) is added.

Alterations or amendments.	Objects and reasons therefor.
Clause 4.	
Delete last portion of sub-clause (1) from words "or form C, etc. :—" *Delete* sub-clause (2).	
Clause 5.	
Delete altogether and *substitute*— (1) A pleader who has completed his standing of 10 years shall be called a "Senior Pleader". (2) A pleader who has not completed his standing as above or a pleader who shall not have converted his District Court Pleader's Sanad into the form A in II Schedule according to the provisions next hereinafter mentioned shall be called a "junior pleader".	As no longer required.
Clause 6.	
Delete it altogether and *substitute* the following:— 6. The High Court shall issue a Sanad in the form A in Schedule II to a pleader holding a District Court Pleader's Sanad at the date of the passing of this Act on his application and payment of the prescribed fee made within one year from the date of the passing of this Act.	An option has been given to the existing District Court Pleaders to have their Sanads converted into the Standard form. They have got thus the choice of enlarging their sphere and importance which seems due to them after a length of practice. By this enabling provision a very few pleaders who have not completed their 10 years' standing will get this advantage a little earlier than they are due but nobody has got any grievance against them and they are to get this position not without paying Rs. 500.
Clause 7.	
Amend the clause so as to stand thus:— 7. A senior pleader or a junior pleader holding a Sanad in the form A and who has filed a joint Vakalatnama with a senior pleader shall be entitled to practise— (*a*) Stet. (*b*) Do. (*c*) Do. (*d*) *Delete* all the words after "person" and *add* after "person" "or officer of Government or Councillor or Minister."	This enabling provision is made to enlarge the sphere and to remove all obstacles in the way of litigants to have their cause represented, not only before the courts but before any officer of any Department before whom some enquiry regarding the party is, or is required, to be made.
Clause 8.	
Substitute the following:— 8. A junior pleader holding a Sanad in A form shall be entitled to practise in or before the Courts, tribunals, persons or officers mentioned in the last preceding section except— (*a*) in the High Court, (*b*) in the Court of the Chief Presidency Magistrate, Bombay, (*c*) before the Tribunal of Appeal constituted under the City of Bombay Improvement Act, 1898, (*d*) before the Commissioner of a Division, (*e*) before a Minister, Councillor or the Chief Secretary to Government.	Some time ago there was a proposal that a pleader fresh after his scholastic course and quite raw at practice should not at once be allowed to practise in the High Court but should be asked to work for some period with a senior. In order to develop the idea and to bring it into practice the juniors or raw pleaders are restricted from practising before the higher authorities without the aid of the seniors.

Alterations or amendments.	Objects and reasons thereof.
Add a new clause—	In order to remove the doubt whether a District Court Pleader can practise in any Criminal Court outside the district, express provision is made. The practice hitherto has been to allow any District Court Pleader in any Criminal Court. The practice will thus be recognised.
8-A. A junior pleader not holding a Sanad in A form shall be entitled to practise— (*a*) in such Civil Courts as are assigned to him by his Sanad, (*b*) in any Criminal Court, (*c*) in or before any Court, tribunal, person or officer except those mentioned in the exception to section 8.	
Clause 10.	
Add a new clause (*e*) at the end of sub-clause (2)— (*e*) a pleader appearing for a minor or for a person of unsound mind in a criminal or quasi-criminal proceeding when instructed by any of the persons mentioned in section 16.	
In sub-clause (4) *delete* the words "with the permission of the Court".	
Add a new clause— 10-A. (1) No Vakalatnama need be stamped when presented to any Criminal Court; or to any tribunal, person or officer, an application to whom made by a party requires no stamp. (2) In proceedings in which application requires only a stamp duty of one anna, the Vakalatnama in such proceedings shall be stamped with one anna stamp only.	
Clause 11.	
Delete the clause and *substitute* the following:— 11. (1) A party wishing to retain a pleader for a specified case or a cause shall pay him a retaining fee of an amount not less than Rs. 15 for the current year. (2) The pleader retained shall be entitled to an equal amount of retaining fee as paid under sub-clause (1) for each subsequent year if the case or cause continues.	The retaining fee of annas 8 as proposed in the original Bill is too trifling and it is ridiculous that a pleader should be held in bondage for an eight-anna piece for years.
Clause 13.	
Amend it so as to stand thus— 13. A client may obtain a receipt for such papers as the client may desire to leave with the pleader for his perusal or for filing them in the case; and the pleader shall be absolved from any liability when he shall have filed the papers in the case or shall have returned them to the person producing and delivering the receipt.	If the clause as originally drafted be retained then it will compel a pleader to pass a receipt for a document of any kind such as copy of plaint, summons or notice handed over for perusal and most of the pleader's time will be spent in giving and obtaining receipts.
Clause 14.	
Substitute the following for sub-clause:— 14. (1) A pleader shall be bound to work according to the terms of his engagement whether express or implied and to use his professional skill and intelligence for the benefit of his client.	When a pleader who is practising generally in the High Court is engaged by a party in a case he is generally engaged by the day and is supposed to attend on such days as the party pays for. The suggested clause will cover all cases.

Alterations or amendments.	Objects and reasons therefor.
	Clause 16.
Delete the following words in sub-clause (*a*) :— "authorized by such party"	The proposed change will cover up a case where a person is arrested and kept in lock-up abruptly while he is away from his relations and friends who are not authorized to instruct a pleader.
	Clause 17.
Add at the end— "and such agreement to be embodied in Vakalatnama." Provided that the amount settled shall not be less than that mentioned in Schedule III or IV.	This will provide against the base practice inducing clients by accepting their work for lower amount than the standard prescribed fee.
After clause 19 *add* a new clause as follows :— 17-A. Except when otherwise agreed between the pleader and his client, a pleader, in addition to the fee prescribed in the III Schedule shall be entitled to the fees prescribed in the IV Schedule and marked against the respective items of work done by the pleader either himself or through his clerk, except to the fees marked for attendance in Court.	It is commented upon by the circuit High Court Judges that pleaders in the moffusil do not follow the various enabling provisions embodied in the Code of Civil Procedure such as those mentioned in Orders XI, XII, etc. It is not that the pleaders in the moffusil are incompetent to follow them nor is it that clients don't like it but it is that pleaders are not sufficiently paid for it. There has been no provision for payment to pleaders for drawing and settling plaints and written statements and also for engrossing and fair copying them. Strange it is that a petition-writer attached to the Court who merely copies out the draft plaint or written statement is entitled to a certain amount for his writing labour while a pleader who has to bother his brain over drawing and settling pleadings has got no payment in proportion to his work. The fees mentioned in Schedule III are fees for the work in Court before the Judge. A pleader in the moffusil is both an attorney and a counsel, *i. e.*, he has to perform the duties of both but his remuneration is too meagre. In order to give a proper mould to the practice and to encourage pleaders to follow it Schedule IV is proposed which enables the pleader to claim *pro rata* for his intellectual labour. So also there is a good deal of writing to be done by the pleader's clerk such as copies of plaint to be given for defendants, copies of written-statements, applications, affidavits and many other documents of similar descriptions but there has been no provision for recovering the costs thereof. Schedule IV also covers all these. Many a time it so happens that on the very day fixed for a case the client sends a Vakalatnama and a letter of instructions through Post saying "your fees will be paid" but as to the amount the letter is silent. In such cases the pleader ought to have some standard measure by which his labour is to be compensated. The lump sum prescribed in Schedule III is for the work done in a civil court by attending before a Judge. The attendance charges therefore are excluded in cases coming under the proposed clause. Where, for instance in a criminal case, the Schedule III is not applicable, the

Alterations or amendments.	Objects and reasons therefor.
	Schedule IV will be serviceable. This schedule will also act as a check on the pleaders demanding fancy fees, which even the Advocates of the High Court are not entitled to under the table of fees, prescribed for them by the rules prescribed for the Original Side of the High Court.
Clause 18.	
Add at the end of sub-clause (1)— "and Schedule IV."	
Clause 19.	
Delete 2nd paragraph.	
Add the following clause after clause *19* :— 19-A. All fees agreed or payable according to the provisions of this Act become due on the acceptance of the engagement by a pleader.	
Clause 20.	
Delete the words :— "before the first hearing" in sub-clause (1).	
Clause 26.	
Delete the last portion of sub-clause (1) from— "hold an enquiry" and *substitute* it by— "may refer the case for enquiry and trial to the nearest Court"	
Add the following new clause after clause 26:— 26-A. Provided that enquiries under sections 25 or 26 shall be made in or before a Court which is neither inferior nor subordinate to the Court accusing the pleader and that the person accusing shall offer for cross-examination.	This is to provide for the full and unbiassed inquiry by an independent tribunal. The right of cross-examination is based upon the fundamental principles of justice and this will also tend to check the whims of the judiciaries who are under no restraint.
Clause 27.	
After sub-clause (1) a new sub-clause (1*a*) be inserted above sub-clause (2) :— (1*a*) In any such case the High Court shall, if demanded by the pleader, give him opportunity to cross-examine his accuser and also to lead evidence in his defence.	
After the clause 28 insert the following new clause :— 28-A. No suit shall be instituted against the heir or a legal representative of a pleader for refund of any fees; and no suit for such refund shall be continued against the heir or representative of a deceased pleader in which the deceased pleader shall not have filed his written statement.	This provision is made to prevent the harrasment of the orphans or widow or such other heirs of the deceased pleader who dies all of a sudden even before making any defence to the suit and the heirs are left either in absolute dark or to the mercy of the pleader's clerk. This provision is based upon the equity that greater danger is averted at the risk of a smaller one.
Clause 29.	
Delete the whole clause and *substitute* the following:— 29. A pleader shall be entitled on an application to the Court having jurisdic-	The procedure of a suit to recover the ordinary dues of a pleader has been considered too cumbrous and a lighter and a speedy remedy such as followed by the

Alterations or amendments.	Objects and reasons therefor.
tion, to an order awarding the amount of his fees payable under the provisions of this Act, against his client. The order made under this section shall have the force of a decree of such court. Procedure prescribed for the Civil miscellaneous applications shall be followed *mutatis mutandis* in inquiries under this section.	Taxing Master in the High Court was much longed for to have inforced the every day agreement as a matter of routine.
After clause 29 *add* the following clause:— 29-A. A pleader is entitled to have deducted his fees from the amount which comes to the pleader's hand and which is payable to his client and the pleader shall have a general lien described in section 171 of the Indian Contract Act, 1872, on any paper coming into the pleader's possession in his professional capacity as a pleader.	
Add in Schedule I— Provisions of Court Fees Act.	
Schedule I—	
Add at the end (in first column) } Act of (in second column) } 1918. The Court Fees Act „ (in third column) „	
So much as is inconsistent with the provisions of section 10-A of this Act.	
Schedule II— *Delete* from B. altogether	
Schedule III— *Delete* the words "in dispute" in (iii) of (c) I. *Add* Schedule IV at the end.	

SCHEDULE IV.

Table of fees to be taken by a pleader in the absence of an express agreement covering the items specified below.

	Rs.	a.	p.
Instructions for plaint, written statement, complaint, defence, statement or an agreement or for any proceeding	5	0	0
The like, occupying two hours or more. For every hour	5	0	0
Drawing observations for a brief for Counsel. Per folio of 90 words ...	5	0	0
Do. plaint in a suit of a short cause nature.	1	0	0
Do. do. in ordinary suits relating to immoveable property ...	2	0	0
Do. do. in special case or cases relating to property of Rs. 5,000 or more in value. Per folio of 90 words	5	0	0
and not more than ...	15	0	0
Do. written statement in short causes	1	0	0
Do. do. do. in ordinary suits relating to immoveable property	2	0	0
Do. do. in special case or cases relating to property of Rs. 5,000 or more in value. Per folio of 90 words	5	0	0
and not more than ...	15	0	0
Do. application for guardianship, probate Letters of administration, Insolvency application, etc., etc.	1	0	0

	Rs.	a.	p.
Drawing written statement in the above	1	0	0
Do. interlocutory or special applications such as mentioned in orders 10, 11, 21, 30, 39 and 40 of C. P. Code, or the like ...	2	0	0
Do. interrogatories. Per folio of 90 words	2	0	0
Engrossment or fair copy. Per folio of 90 words	0	4	0
Every copy do. do. do.	0	3	0
Every attendance in Court subordinate to the High Court and not otherwise provided for. Per day	15	0	0
Do. do. in the High Court and not otherwise provided for. Per day	30	0	0
Do. do. in a Court subordinate to the High Court but more than 10 miles away from the usual place of practice of the pleader. Per day	45	0	0
Do. do. before a Commissioner, Sub-Registrar or the like occupying not more than 2 hours	10	0	0
Do. do. do. occupying more than 2 hours. Per day ...	15	0	0
Do. do. do. outside the usual place of practice of the pleader. Per day	30	0	0
Perusal of papers. Per folio	0	12	0
Notices, Letters, etc. minimum	2	0	0
Press copy of the above do.	0	4	0

No. 3402-L.

From

THE SECRETARY, BAR ASSOCIATION,
Bijapur;

To

THE SECRETARY, LEGISLATIVE COUNCIL,
Bombay.

Bijapur, 29th July 1920.

Sir,

I have the honour to forward the accompanying memorandum containing the amendments adopted by the Bar Association, Bijapur, in its meeting of the 25th instant, in the Bill No. VI of 1920 to consolidate and amend the Law relating to Pleaders in the Presidency of Bombay, and request you to place the same before the Council when the said Bill comes up for consideration.

I have the honour to be,
Sir,
Your most obedient servant,
J. M. DESHPANDE,
Honorary Secretary, Bar Association,
Bijapur.

Amendments suggested by the Bar Association, Bijapur, in Bill No. VI of 1920 to consolidate and amend the Law relating to Pleaders in the Presidency of Bombay.

Clause 4—Sub-clause (*1*)—

In form B, the words "or suspended" should be inserted between "removed" and "office". Subsequent words "During your good behaviour, etc., ... in force" be deleted and the words "Except for reasonable cause" be substituted.

N. B. to form A should be substituted for N. B. to form B.

In sub-clause (*2*) insert the words "or Districts" between "District" and "For."

Clause 5—Sub-clause (*1*) to be deleted.

Sub-clause (*2*)—Delete the word "District" between "one" and "the" and in its place substitute the words "or more Districts."

Clause 6.—In sub-clause (*1*) substitute the words "good moral" for "unexceptionable."

Clause 7.—In sub-clause (*a*) add the words "both on its original and appellate side" after the word "court."

Clause 8.—Insert the words "or Districts" between "District" and "in."

In sub-clause (*a*) insert the words "Civil Revenue or" between "any" and "criminal."

Sub-clause (*b*) to be deleted.

Put sub-clause (*c*) for sub-clause (*b*) and add sub-clause (*c*) as follows:—

"And in all other proceedings under any Act in which parties have a right to appear or in which evidence is recorded."

Clause 10.—In sub-clause (*1*) delete the word "or" between "Civil" and "Criminal" and insert the words "or Revenue" between "criminal" and "case."

In form C of wakalatnama, the following changes should be made:—

In the brackets, add the words "or other proceeding" after the word "criminal."

In sub-clause insert the words "or section 144" between "152" and "of."

In sub-clause (*4*) delete the word "with the permission of the court."

Clause 11.—Delete sub-clause 2.

Sub-clause (*3*) should be numbered as (*2*) and in it, delete the words "a receipt" and substitute "an acknowledgment."

Clause 12.—In sub-clause (*b*) insert the word "wilfully" before "omit."

Clause 13.—In sub-clause (*a*) insert the words "on demand" between "receipt" and "in."

Clause 14.—In sub-clause (*2*) delete "necessary" and substitute "reasonable."

Clause 18.—Sub-clause (*1*): In rules in schedule III in (*c*) (III) substitute the words "Rs. 5,000 at 5 per cent." for the words "Rs. 2,000 at 5 per cent."

Delete the next line.

Substitute the words "3 per cent." for "2 per cent."

Substitute "2 per cent." for "1 per cent."

Substitute "1 per cent." for "½ per cent."

In V (*e*) delete the word "of" and insert the words "not less than" in its place, and add at the end of that line the words "as the court thinks reasonable."

In VI (*b*), add the words "or in the court of a Mamlatdar under the Mamlatdar's Court Act, 1906" after "Judge."

In (*c*), delete all the words after "1840."

Clause 24.—Delete the words "a defect in his character" and substitute "moral turpitude."

Clause 25.—Insert the word "wilful" between "of" and "neglect" and delete the words "of a" before "violation."

Add the words "which renders him unfit to hold office as pleader" after "otherwise" in the last line.

Clause 26.—In sub-clause (*1*), insert "wilful" between "of" and "neglect" and delete the words "of a" before "violation."

Delete the words in the brackets.

Delete the whole of sub-clause (*2*) and the proviso and substitute the following:—

"Where the court holds such matter to be proved, it may, if it deems fit, report the matter to the High Court."

"Provided that when the Court holds such enquiry, the pleader against whom any allegation is made may appear in person or by pleader or counsel."

Add sub-clause (*3*) as follows:—

"In any such case, the court may make such orders as to costs as it thinks fit."

Clause 29.—Delete the words "and not otherwise" and substitute the words "*or by him.*"

Clause 30.—In sub-clause (*j*) delete the semicolon at the end and add the words "or sub-section 3 of section 26."

From

THE SECRETARIES,
Bar Committee,
Satara;

To

THE SECRETARY,
Legislative Department,
Secretariat, Bombay.

Satara, 29th July 1920.

Sir,

We have the honour to send herewith the suggestions made by the Satara Bar in connection with the Bill No. VI of 1920, *viz.*, the "Pleader's Bill" which is to come on for discussion in the ensuing sitting of the Bombay Legislative Council.

2. We further request that the aforesaid suggestions may be taken into consideration when the Bill is discussed in the Council.

We have the honour to be,

Sir,

Your most obedient servants,

S. V. BAPAT,
Pleader, Satara,

K. D. SATHAYE,
Pleader, Satara,

M. P. KIRANE,
Pleader, Satara,

Honorary Secretaries, Bar Committee,
Satara.

BILL No. VI OF 1920.

A Bill to consolidate and amend the Law relating to Pleaders in the Presidency of Bombay.

Whereas it is expedient to consolidate and amend the Law relating to Pleaders in the Presidency of Bombay, and whereas the previous sanction of the Governor General required by section 79, sub-section (2), of the Government of India Act, 1915, has been obtained for the passing of this Act; It is hereby enacted as follows :—

The Text of the Bill. | The amendments proposed.

Section I.

(1) This Act may be called the Bombay Pleader's Act 192 .

(2) It extends to the whole of the Presidency of Bombay except Sind and Aden.

Section II.

In this Act unless there is anything repugnant in the subject or context —

1. "The High Court" means the High Court of Judicature at Bombay.

2. "Court subordinate to the High Court" means any court, tribunal or person whose decree, order, decision or award is or may hereafter be, subject to the appellate or revisional jurisdiction of the High Court.

3. "Pleader" means a pleader admitted under this or any previous Act, and includes an attorney of the High Court in so far as, and in respect of the courts in which, such attorney is entitled to practise in accordance with any enactment for the time being in force or any rule made by the High Court in this behalf.

4. "District" means the local limit of the jurisdiction of a principal civil court of original jurisdiction other than the High Court.

5. "The Letters Patent" means the Letters Patent of the High Court of Judicature for the Presidency of Bombay, dated the 28th of December 1865.

6. "Prescribed" means prescribed by rules made under this Act.

Section III.

Class of Pleaders. Pleaders admitted by the High Court under this Act shall be of two classes, *viz.*, Vakils of the High Court and District Pleaders.

Section IV.

Sanads. 1. The High Court shall issue to every pleader on his admission a Sanad in form A or form B in schedule II as the case may be or in such other form as the High Court may prescribe.

2. In the case of a Sanad of a District Pleader, the name of the district for which the Sanad is available shall be specified therein.

The Text of the Bill.	The amendments proposed.
Section V.	
1. No District Pleader shall hold a Sanad in respect of more than one district at the same time. (Extent and Transfer of Sanads.)	
2. On the application of a District Pleader holding a Sanad which is available for any one district the High Court may, from time to time by endorsement on such Sanads, render the same available for any other districts.	
Section VI.	
1. Any person who is duly qualified and is of *unexceptionable character* shall be entitled to be admitted as a pleader. (Conditions of Admission.)	1. Any person who is duly qualified and is of *good moral character* shall be entitled to be admitted as a pleader.
2. The number of pleaders shall not be limited.	2. The number of pleaders shall not be limited.
Section VII.	
Subject to the provision of any law for the time being in force and, with respect to the right of Vakils of the High Court to practise in the High Court subject to any rules for the time being in force under section 10 of the Letters Patent a Vakil of the High Court shall be entitled to practise — (Where Vakils of High Court are entitled to practise.)	
(*a*) *In the High Court.*	(*a*) In the High Court *both on its original and appellate side.*
(*b*) In any court subordinate to the High Court.	
(*c*) Before the tribunal of appeal constituted under the City of Bombay Improvement Act, 1898; and	
(*d*) In or before any other court or person in or before which or whom Vakils of the High Court are or may hereafter be entitled by law to practise.	(*e*) In all Revenue Courts and judicial proceedings before any officer.
Section VIII.	
Subject to the provisions of any law for the time being in force, a District Pleader shall, within the district in respect of which he holds a Sanad, be entitled to practise — (Where District Pleaders are entitled to practise.)	
(*a*) In any criminal court.	
(*b*) In such Civil Court or Courts as the District Judge may assign to him; and	
(*c*) In or before any other court, tribunal or person before which or whom District Pleaders are or may hereafter be entitled by law to practise.	(*d*) In all Revenue Courts and judicial proceedings before any officer in such district.

The Text of the Bill.	The amendments proposed.
Section IX.	
No person shall appear, plead or act for any party in any civil suit, appeal or proceeding unless he is a pleader as defined in this act and is entitled and duly empowered to appear, plead and act for such party in such suits, appeal or proceedings; provided that nothing in this section shall apply (*a*) to any party appearing, pleading or acting on his own behalf, or appearing or acting by his recognised agent or (*b*) to any advocate of the High Court.	
Appearance in Civil Courts by unauthorised person forbidden.	
Section X.	
1. Except as otherwise in this section no pleader shall appear, plead or act as a party in any civil or criminal case until he has obtained from such party and filed in court a Vakalatnama in form C in schedule 2 or in such other form as the High Court may prescribe.	
Cases in which Vakalatnama is required.	
2. It shall not be necessary for the following persons to obtain a Vakalatnama for the purpose of appearing, pleading and acting in the capacity respectively mentioned hereunder:—	
(*a*) A pleader appointed by a court to defend a person accused of a criminal offence, who has not sufficient means to enable him to employ a pleader.	
(*b*) A pleader appointed by a court as *amicus curiæ*.	
(*c*) A Government pleader.	
(*d*) A public prosecutor, or a person permitted or empowered under section 495 of the Code of Criminal Procedure, 1898, to conduct a prosecution.	
3. Where a pleader has filed a Vakalatnama at the original hearing of a case it shall not be necessary for him to obtain a fresh Vakalatnama for the purpose of an application for review of judgment or of an application under section 152 of the Code of Civil Procedure, 1908, or under Order XLV in the first schedule to the said Code or for the purpose of an appeal under the Letters Patent.	
4. Where a pleader has filed a Vakalatnama in a case he may with the permission of the court transfer his brief to another pleader and it shall not be necessary for such other pleader to obtain a Vakalatnama.	4. Where a pleader has filed a Vakalatnama in a case he may transfer his brief to another pleader, and it shall not be necessary for such other pleader to obtain a Vakalatnama (*vide* High Court Manual of Civil Circulars, Chapter XVIII, Rule 9, page 258).
Section XI.	
1. A party engaging a pleader shall pay him *a retaining fee of an amount not less than 8 annas.*	Such retaining fee, not less than eight annas, as may be agreed upon between the party and his pleader.
Retaining fee.	

The Text of the Bill.	The amendments proposed.
Section XI—continued.	
2. Where a party fails so to do, the pleader shall demand such fee and shall not perform any services for such party until the fee has been paid.	
3. Every pleader receiving such fee *shall* give a recepit in writing for the same specifying the date of receipt if demanded.	shall, if demanded,
Section XII.	
Pleader not to act for party adverse to his client, and not to refuse to act for his client. No pleader after accepting a retaining fee shall, (*a*) appear, plead or act or agree so to do on behalf of any other party whose interest in the case is adverse to that of his client, or	
(*b*) without the permission of the court refuse or omit to appear, plead or act for his client	unless otherwise agreed upon between the pleader and his client as per section 17.
Section XIII.	
Receipt to be given for documents. Every pleader receiving a document of any kind from his client shall —	Every pleader receiving a document of any kind from his client shall *whenever demanded*—
(*a*) give a receipt in writing for such document at the time when he receives it, and	(*a*) give a receipt in writing for such document at the time when he receives it, and
(*b*) if his client requires the receipt of such document and gives a receipt in writing for it return it to his client.	(*b*) if his client requires the receipt of such document and gives a receipt in writing for it return it to his client.
Section XIV.	
Pleaders bound to attend on day fixed for case except in certain cases. A pleader shall be bound to attend in court on any day which, by notice duly given or in accordance with the practice of the court is fixed for the hearing of a case in which he is employed.	
2. Where a pleader employed in any such case is, from indisposition or any other necessary cause, unable to attend on any such day, or at the time when the case is called on, he shall notify the same to the court and thereupon the case shall be stayed for such time as the court may deem reasonable.	
Provided that in cases in which a party is represented by more than one pleader and one of such pleaders is present, the court may proceed with the case.	
3. In any case where a pleader ceases, temporarily or permanently, to act for his client because he has accepted an official appointment, or has been permitted to withdraw from the case, or has been suspended or dismissed or has died or for any other reason, the case shall be stayed for such time as the court may deem reasonable.	

The Text of the Bill.	The amendments proposed.
Section XV.	
Pleaders not to give or take commission. No pleader shall tender, give, retain or consent to retain any gratification for procuring or having procured the employment of himself or of any other pleader in any legal business.	
Section XVI.	
Pleaders not to take instructions except from client or authorized agent. No pleader shall (*a*) take instructions in any case except from the party on whose behalf he is retained, or from some person who is, within the meaning of the Code of Civil Procedure, 1908, the recognised agent of such party or from a servant, relative or friend authorised by such party to give such instructions or (*b*) accept any employment in any legal business through a person who has been proclaimed as a tout.	
Section XVII.	
Fee may be settled by private agreement. Any party employing a pleader may settle with him by private agreement the terms of his engagement and the fee to be paid to him for his professional services.	
Section XVIII.	
Computation of fixed fee. 1. Where costs are awarded to a party in any suit, appeal, application, reference or proceeding, the amount of the pleader's fee to be taxed in the bill of costs as recoverable by such party, if represented by a pleader, from his adversary, shall be computed in accordance with the rules in schedule III. 2. Nothing contained in such section (1) of this section or in section 20 shall apply to fees payable to pleaders in the Court of Small Causes of Bombay.	
Section XIX.	
Amount payable by client to pleader. 1. Each pleader employed by any party shall be entitled to receive from him the fee, if any, settled under section 17. Provided that where costs are awarded to such party and the pleader's fee taxed is greater in amount than the fee settled in section 17, the pleader shall be entitled to the excess when recovered. 2. Where no fee has been settled under section 17, the pleader shall be entitled to receive from his client a fee computed in accordance with the rules in schedule III. 3. The fee which a pleader is entitled to receive from his client under sub-section 2 and except when otherwise agreed between the pleader and the client	

The Text of the Bill.	The amendments proposed.
Section XIX—continued.	
the fee which a pleader is entitled to receive under sub-section (1) is payable in respect of the pleader's services until the final decree or order in the suit, appeal, application, reference or proceeding is passed.	Section 20 to be added after section 19. Unless the Court otherwise directs a party to any suit engaging a pleader is entitled to recover from his adversary one set of pleader's fees.
Section XXI.	
1. Where there are more plaintiffs—appellants or applicants than one having the same cause of action they shall not be entitled to recover more than one set of pleader's fees. Cases where there are more Plaintiffs and where there are more Defendants than one. 2. Where there are more Defendants, Respondents or Opponents than one, and where such Defendants, Respondents or Opponents have been represented by different pleaders, the Court, if it is of opinion that their grounds of defence are substantially distinct, may in its discretion award more than one set of pleader's fees.	This section to follow the section suggested to be added as section 20 above.
Section XX.	
1. Where a party has, before the first hearing of a case, engaged more than one pleader, the fees of two pleaders may be taxed in the bill of costs in the following cases :— When fees of two pleaders may be sanctioned. (*a*) in any original suit, of which the amount or value of the subject-matter exceeds Rs. 5,000 in any Court subordinate to the High Court. (*b*) in any contested proceeding under the Succession Act, 1865, the Probate and Administration Act, 1881, or the Land Acquisition Act, 1894, of which the amount or value of the subject-matter exceeds Rs. 5,000 in any Court subordinate to the High Court. (*c*) in any appeal to the High Court from a decree deciding on the merits any suit or any contested proceeding of the kind referred to in clause (*a*) of clause (*b*). (*d*) in any suit of which the amount or value of the subject-matter is less than Rs. 5,000 where the Court certifies by order in writing that the fees of two pleaders may be taxed. Provided that.....Act, 1879. 2. Except in the cases specified in this section, a party employing more than one pleader shall not be entitled to recover from his adversary more than one set of pleader's fees.	1. Where a party has, before the first hearing of a case or where issues are settled at or before the settlement of issues, engaged more than one pleader, the fees of two pleaders shall unless the Court for reasons to be recorded in writing otherwise directs, be taxed in the bill of costs in the following cases :— Proviso to be deleted.

The Text of the Bill.	The amendments proposed.
Section XXII.	
Taxation of costs in appeal to High Court. In any Civil appeal or application to the High Court from the decree or order of a Court subordinate to the High Court if costs between party and party are awarded by the High Court, such costs shall be taxed by an Officer of the Court and included in the bill of costs in the prescribed manner.	
Section XXIII.	
Taxation of costs in mufassal Courts. In any Court subordinate to the High Court situate elsewhere than in the City of Bombay, the amount of pleader's fee to be taxed in the bill of costs *shall not be in excess of the amount* computed in accordance with the rules in Schedule II. Provided that nothing in this section shall apply to bills of costs framed under the provisions of the Indian Companies Act, 1913.	In any Court subordinate to the High Court situate elsewhere than in the City of Bombay the amount of pleader's fees to be taxed *shall be computed* in accordance with the rules in Schedule III.
Section XXIV.	
Suspension or removal of pleader by High Court on accusation of criminal offence. The High Court may suspend or remove from practice a pleader who has been convicted by *any Criminal Court* in British India of a criminal offence implying *a defect in his character* which in the opinion of the High Court renders him unfit to be a pleader.	The High Court may suspend or remove from practice a pleader who has been convicted by a *Court not inferior to a Court of Session* in British India of a criminal offence implying *a gross moral turpitude* which in the opinion of the High Court renders him unfit to be a pleader.
Section XXV.	
Punishment of pleader by High Court for improper conduct. On the application of the Government Pleader in the High Court, or on a report from a District Court or Court of Session or from the Chief Judge of the Court of Small Causes of Bombay or from the Chief Presidency Magistrate for Bombay, or otherwise, the High Court may suspend or remove from practice or may fine or reprimand a pleader who has been guilty *of neglect of duty or of a violation of any of the provisions of this Act, or of any other improper conduct, whether in his professional character or otherwise.*	guilty of *gross* neglect of duty or of a *wilful* violation of any of the provisions of this act or of any *other improper conduct in his professional character.*
Section XXVI.	
Powers of District Court or Court of Session in respect of improper conduct of pleader. 1. Where it appears to a District Court or Court of Session or to the Judge of the Court of Small Causes of Bombay or the Chief Presidency Magistrate for Bombay that a pleader has been guilty of *neglect of duty, or of a violation of any of the provisions of this Act or of any other improper conduct (whether in his professional character or otherwise)* with	guilty of *gross* neglect of duty, or of a *wilful* violation of any of the provisions of this Act or of any other improper conduct (in his *professional character*) with reference to.....

The Text of the Bill.	The amendments proposed.
Section XXXII.	
Nothing in this Act regarding pending cases, the appointment, appearance or remuneration of pleaders or the taxation of costs shall apply in respect of any Civil Suit, appeal or application, reference or proceeding pending in any Court at the commencement of this Act and all such cases until their final disposal by the Court in which they are pending, shall be governed in respect of the said matters by the law and rules in force immediately before the commencement of this Act.	
Section XXXIII.	
Repeal. The enactments contained in Schedule I are hereby repealed to the extent specified in the third column thereof.	

Ahmedabad, 6th August 1920.

To

HIS EXCELLENCY SIR GEORGE AMBROSE LLOYD, G.C.I.E., D.S.O.,
Governor and President in Council, Bombay Presidency,
Poona.

May it please your Excellency,

The Legal Practitioners' Association, Ahmedabad, most respectfully begs to suggest the accompanying omissions, additions and alterations in the Bill (Bill No. VI of 1920) to consolidate and amend the law relating to pleaders in the Presidency of Bombay. I hope your Excellency will be graciously pleased to find that they are quite essential and to recommend them as such to the Council.

I beg to remain,

Sir,

Your Excellency's most obedient servant,

G. R. DABHOLKAR,
Honorary Secretary, Legal Practitioners' Association.

Omissions, additions, and alterations in the Bill to amend the law relating to pleaders in the Presidency of Bombay, suggested by the Legal Practitioners' Association, Ahmedabad, and submitted on its behalf by its Secretary, Mr. G. R. Dabholkar, to His Excellency the Governor and President in Council, Bombay Presidency.

Clause 4.—The form of Sanad attached to this section for the offices of High Court Pleader should be adopted for that of District Court Pleader, *i.e.*, in Form B the words 'During your good behaviour, etc., ... in force" be deleted and the words 'Except for reasonable cause" be substituted.

Clause 5.—The clause should stand as below:—

"A District Pleader holding a Sanad to practise in any one District shall be allowed to practise in Courts of other Districts in payment of additional requisite fees".

Clause 6.—For the words "Unexceptionable character" substitute "Good moral character" (*vide* High Court Manual of Civil Circulars).

Clause 8.—Sub-clause (*a*) should be read thus :—In any Civil or Criminal Court.

Sub-clause (*b*) should be deleted.

To sub-clause (*c*) the following be added :—And in all other proceedings under any Act in which parties have a right to appear.

Clause 9.—Insert the following words " or any proceeding under any Act in which parties have a right to appear " between " Proceeding " and " Unless ".

Clause 10.—Insert the following words " or any proceeding under any Act in which parties have a right to appear " between " Criminal case " and " Until ".

From sub-clause (*4*) delete the words " with the permission of the Court " (*vide* the Manual of Civil Circulars, Chapter XVIII, Rule 9, page 258).

Clause 11.—In sub-clause (*1*) for " Not less than eight annas " substitute " in the case of small causes suits and Rs. 15 in other cases ".

In sub-clause (*2*) substitute " will not be bound to perform " in place of " shall not perform ".

In sub-clause (*3*) of this clause add " on demand " after " receipt ".

Clause 12.—In sub-clause (*b*) add " without reasonable cause " before " omit ".

Clause 13.—Add " on demand " after " shall " and before sub-clause (*a*).

Clause 20.—In sub-clause (*1*) the word " shall " be substituted for " may ".

In sub-clause (*a*) add the words " or any contested execution proceedings " after the words " in any original suit ".

Clause 24.—In this clause the words " gross moral turpitude " be substituted for the words " a defect in his character ".

Clause 25.—In this clause insert the word " wilful " between the words " of " and " neglect ".

Delete the words " or otherwise " whenever they occur. The amount of fine should be mentioned.

After the words " provisions of the Act " add the words " constituting professional misconduct " and delete the last three lines.

Clause 26.—In sub-clause (*1*) insert the word " wilful " between " of " and " neglect ".

Delete all the words within the brackets and substitute the words " in his professional character ".

Delete the whole of the sub-clause (*2*), including the proviso, and substitute the following for it :—

" Where the Court holds such matter to be proved, it may, if it deems fit, report the matter to the High Court ".

" Provided that when the Court holds such inquiry the pleader against whom an allegation is made may appear in person or by pleader or Counsel ".

Add sub-clause (*3*) as follows :—

" In any such case the Court may make such orders as to costs as it thinks fit ".

Clause 29.—Delete the words " and not otherwise " and substitute the words " or by way of lien ".

Clause 30.—In sub-clause (*j*) delete the semicolon at the end and add the words " or sub-section (*3*) of section 26 ".

Schedule.—In Schedule 3, Rule 6, sub-rule (*b*), add the words " or the Court of a Mamlatdar under the Mamlatdars' Courts' Act, 1906 ".

From Schedule C delete the words " or in the Court of a Mamlatdar under the Mamlatdars' Courts' Act, 1906 ".

Delete the two Nota Benes altogether.

The Text of the Bill.	The amendments proposed.
Section XXVI—continued.	
reference to any case coming before such Court or before a Court subordinate to such Court, such Court may hold an inquiry into such matter and may take evidence thereof and in rebuttal thereof, in the presence of such pleader.	
Clause 2.—Provided that the Court holding such enquiry may, if it deems fit, instead of taking any action itself report the matter to the High Court.	Clause 2 to be deleted altogether. The Court holding such inquiry may, if it deems fit, report the matter to the High Court.
Section XXVII.	
1. Where any case under section 24, section 25 or section 26 is heard by the High Court the Advocate General or such Counsel or pleader as may appear for the Crown shall argue the case against the pleader against whom the allegation is made and such pleader may appear in person or by counsel or pleader*	*and shall be entitled to be heard in reply.
Conduct of case in High Court against pleader.	
2. In any such case the High Court may make such order as to costs as it thinks fit.	
In all proceedings under sections 25, 26 and 27 the Court concerned shall give the pleader concerned a copy of the matter alleged against him and also a notice that on a day to be therein appointed such matter shall be taken into consideration. Such copy and notice shall be served upon the pleader at least 15 days before the day so appointed.	This is to be added as a new section after section 27 in the Bill.
Section XXVIII.	
Nothing in this Act shall be deemed to preclude any party from taking any legal proceedings in respect of any loss or injury sustained by him in consequence of such pleader's act or omission.	
Legal proceedings against a pleader not affected.	
Section XXIX.	
An agreement between a pleader and his client respecting the remuneration payable to such pleader for his professional services may be enforced by a suit in a Civil Court of competent jurisdiction and not otherwise.	(1) A pleader shall be entitled to recover the balance of fees assessed in the bill of costs by an application which shall be treated as an application for the execution of a decree. (2) Where an agreement between a pleader and his client respecting the remuneration payable to such pleader for his professional services is for an amount in excess of the assessed fees it may in respect of such excess be enforced by suit in a civil court of competent jurisdiction and not otherwise.
Agreement for fee enforceable by civil suit.	Recovery of fees by a pleader.
Section XXX.	
1. The High Court may make rules consistent with the provisions of this Act:—	
Rules.	
(*a*) prescribing the qualifications and mode of admission of pleaders and the fees payable for admission.	

The Text of the Bill.	The amendments proposed.
Section XXX—continued.	
(*b*) prescribing the fees payable in respect of examinations (if any) held for the office of pleaders.	
(*c*) regulating and providing for the recognition of district bar associations and for granting sanction to the rules of such associations.	To be deleted.
(*d*) requiring that a pleader shall be a member of and submit to the rules of the bar association of the district in which he practises.	
(*e*) requiring that a pleader shall be a member of and subscribe to the Law Library in the District in which he practises.	
(*f*) providing for the taxation of costs between party and party and between pleader and client.	
(*g*) prescribing in lieu of forms in Schedule II the form of Sanad to be given to pleaders and the form of Vakalatnama.	
(*h*) prescribing in lieu of or in addition to the rules in Schedule III the manner in which the pleader's fees shall be computed and the amount of the pleader's fee and determining the amount of the value of the subject-matter in particular classes of cases or in cases generally, for the purpose of calculating the pleader's fee.	
(*i*) prescribing the manner in which costs in appeals or applications to the High Court from Decrees or Orders of Courts subordinate to the High Court shall be taxed in cases where costs between party and party are awarded by the High Court.	
(*j*) fixing the scale of costs which may be awarded in cases under sub-section 2 of section 27.	
(*k*) Generally to give effect to such provisions of this Act as may require to be provided for by rules.	
2. Where the High Court prescribes any new forms in lieu of the forms in Schedule II, or makes any new rules in lieu of in addition to the rules in Schedule III, such new forms or rules respectively shall on publication be deemed to be enacted in such schedule in lieu of or in addition to the forms or rules now therein enacted.	
3. All rules made under this Act shall be published in the *Bombay Government Gazette* and shall thereupon have effect as if enacted in this Act.	
Section XXXI.	
Savings. Nothing in this section shall be deemed to limit or otherwise affect the powers conferred upon the High Court by sections 106 and 107 of the Government of India Act, 1915, or by sections 9 and 10 of the Letters Patent or by any law for the time being in force.	

Surat, 22nd August 1920.

From

KALYANJI H. DESAI, Esq., B.A., LL.B.,
Honorary Secretary, the District Bar Association,
Surat;

To

THE SECRETARY TO THE LEGISLATIVE COUNCIL,
Bombay.

Sir,

The Executive Council of the Surat District Bar Association have carefully considered the provisions of Bill No. 6 of 1920 which has now been submitted to a Select Committee for consideration and report. The Council, while welcoming several of the provisions of the Bill as a distinct advance in many directions, where such an advance was desirable, are emphatically of opinion that the Bill requires to be amended in many particulars in order to make it acceptable to the Members of the Bar in the Presidency. They, therefore, propose to suggest the amendments, which in their opinion should be made in the several clauses of the Bill *seriatim* :—

Clause 4.—The form of Sanad attached to this section for the office of a District Pleader should be similar to the form of Sanad for a High Court Pleader. Therefore the words "During your good behaviour etc. . . . . in force" be deleted and the words "except for reasonable cause" be substituted.

Clause 5.—At the end of clause 5 (1) the following words may be added: "But a District Pleader holding a Sanad to practise in any one District shall be allowed to practise in Courts of any other District on payment of a prescribed fee for a particular case." Such a practice obtains in all Courts of Baroda State and other Native States and will enable a party to have a pleader of his own choice from any other District.

Clause 6.—Clause 6 should be amended by substituting the words "Good moral character" for the words "the unexceptional character".

Clause 7.—Clause 7(*a*) may be amended by inserting words "Both on its Original and Appellate Side" after the words "in the High Court".

Clause 8.—Clause 8(*a*) may be amended by adding the words "Civil or" after the words "in any" and by omitting clause (*b*) altogether.

Clause 9.—In clause 9 after the word "proceeding" *add* the words "in which a party has a right to appear".

Clause 10.—In clause 10 between the words "Criminal case and until" *add* the words "or any proceeding under Act in which parties have a right to appear"; and in sub-clause 4 of that clause *delete* the words "with the permission of the Court". *Vide* Chapter XVIII, rule 9, at page 258 of the Manual of Civil Circulars of the High Court of Bombay.

Clause 11.—The retaining fee in clause 11 shall be not less than Rs. 15 in the District Court or in the Court of a Subordinate Judge and Rs. 5 in a Small Cause Court case.

Clause 13.—In clause 13 *add* between "shall" and beginning of clause (*a*) the words "on demand".

Clause 19.—In clause 19, a sub-clause may be added by which pleaders be authorized to recover their fees from their client or from the opposite party by an application in execution in the nature of an allocator in the High Court.

Clause 20.—In clause 20 (1) the word "shall" be substituted for the word "may".

Clause 21.—In clause 21, sub-clause (2), *substitute* "shall" for the word "may" in his discretion.

Clause 24.—In this clause the words "gross moral turpitude" be substituted for the words "a defect in his character".

Clause 25.—In this clause *insert* the word "wilful" between the words "of" and "neglect". *Delete* the words "or otherwise" in the last line.

Clause 26.—In sub-clause 1 *insert* the word "wilful" between "of" and "neglect".

Delete all the words within the brackets and *substitute* the words "in his professional character".

Delete the whole of the sub-clause 2 including proviso and *substitute* the following for it:—

"Where the Court holds such matter to be proved, it may, if it deems fit, report the matter to the High Court."

"Provided that when the Court holds such inquiry, the pleader against whom an allegation is made may appear in person or by pleader or Counsel."

Add sub-clause 3 as follows:—

"In any such case the Court may make such orders as to costs as it thinks fit."

Clause 29.—*Delete* the words "and not otherwise" and *substitute* the words "or by lien".

Clause 30.—In sub-clause (*j*) *delete* the semi-colon at the end and *add* the words "or sub-section 23 of section 26".

Schedule.—In Schedule III, rule 6, sub-rule (*b*), *add* the words "or the Court of a Mamlatdar under the Mamlatdars' Courts Act, 1906."

From Schedule C, *delete* the words "or in the Court of a Mamlatdar under the Mamlatdars' Courts Act, 1906."

I have the honour to be,

Sir,

Your most obedient servant,

KALYANJI H. DESAI,
Honorary Secretary, Bar Association.

Bombay Vakils' Association.

Presidency Small Cause Court:
Bombay, 17th August 1920.

From

SORAB B. DADYBURJOR, Esqr., B. A., LL.B.,
Honorary Secretary, Bombay Vakils' Association;

To

THE SECRETARY TO THE LEGISLATIVE COUNCIL,
Government of Bombay,
Poona.

Sir,

I am directed by the Bombay Vakils' Association to forward to you the accompanying resolutions regarding the Pleaders' Bill before the Legislative Council, with a request that you will be pleased to place the same before the President and members of the Select Committee on the bill.

I have the honour to be,

Sir,

Your most obedient servant,

SORAB B. DADYBURJOR,
Honorary Secretary.

RESOLUTIONS.

That the Bombay Vakils' Association strongly protests against the provisions contained in sections 4, 11, 12, 13, 25, 26 and 30 of the Bombay Pleaders' Bill.

That this Association is of opinion that the provision in section 25 of the Bill for the High Court to suspend, remove from practice or fine, should be confined strictly to

the Pleader's misconduct in his capacity as a pleader and should not be extended to anything beyond his professional character as is intended by the words "or otherwise" at the end of the section and that the said words be deleted.

That provision in section 26 of the Bill empowering the District Court, Court of Session, or the Chief Judge of the Presidency Small Cause Court, or the Chief Presidency Magistrate, to fine or reprimand a pleader after holding an inquiry in the matter of a pleader's misconduct should be deleted and the said powers should be confined to the High Court only, and the other Courts should be given the powers to hold inquiry and report to the High Court.

In section 29, a provision should be made for a lien on papers by pleaders with respect to their unpaid fees.

The section 30 (*c*) should not be confined to District Bars' Association but to all properly constituted Bar Association in Bombay City.

Sections 11 and 12 should be deleted and the matter should be left to be dealt with by the different Bar Associations. If they are to be retained, then provisions should be made for a retainer to be optional, and for a proper brief fee being paid after a retainer and for determination of disputes as to fees to be settled by the President of the Bar Association.

Section 13 should be amended making it obligatory to give receipt only on demand.

The N. B. in the form of the Sanad should be deleted as derogatory to the dignity of pleaders who are considered as officers of the Court.

SORAB B. DADYBURJOR,
Honorary Secretary.

ESPLANADE POLICE COURT,
BAR LIBRARY,
Bombay, 23rd August 1920.

From

MOHANLAL M. DESAI, Esq., B.A., LL.B.,

and

KHURSHED F. NARIMAN, Esq., B.A., LL.B.,
Joint Honorary Secretaries,
Bombay Police Court Bar Association;

To

THE SECRETARY TO THE LEGISLATIVE COUNCIL,
GOVERNMENT OF BOMBAY,
Bombay.

Sir,

We have the honour to address this letter to you and to forward to you herewith the accompanying Resolution passed at a meeting of the members of the Bar practising in the Presidency Magistrates' Courts at Bombay under the auspices of the Bombay Police Court Bar Association on 7th August 1920.

We shall thank you to place the same at your early convenience before the Chairman and Members of the Select Committee of the Bill for their consideration before the next Session of the Legislative Council.

We have the honour to be,
Sir,
Your most obedient servants,

MOHANLAL M. DESAI,
KHURSHED F. NARIMAN,
Joint Honorary Secretaries.

Resolution.

"That this meeting of the pleaders practising in the Presidency Magistrates' Courts, Bombay, and held under the auspices of the Police Court Bar Association, emphatically protests against the powers proposed to be given to the Chief Presidency Magistrate, Bombay, and to the Chief Judge of the Small Causes Court, Bombay, under clause 26 of Bill No. VI of 1920, as, in the unanimous opinion of this meeting, such powers will have the effect of seriously interfering, with the conscientious and fearless discharge of professional duties by pleaders, and will be greatly detrimental to the prestige, dignity and independence of the profession, thereby prejudicing materially the interests of the public in general. Further this meeting is unanimously of the opinion that such disciplinary powers should solely be vested in and exercised by the High Court."

Broach, dated 7th September 1920.

To

THE SECRETARY TO THE LEGISLATIVE COUNCIL,

Bombay.

Sir,

I have the honour to submit the following representation on the Bill No. 6 of 1920 (Law relating to pleaders).

The Bill was considered at a meeting of the Bar here on 28th August and it was decided that it should be submitted with a request that you will place it before proper authorities.

In the first place it was said that the Bill may well await the formation and coming into operation of the new reformed council. The grievances of the pleaders have remained long unheeded, and nothing will be lost by a short interval.

However if the Bill is to be proceeded with, it is requested the suggestions herein contained may be duly considered.

The word "unexceptionable" in clause 6-*i* may be removed, and the word "good" may be put instead.

The words "if demanded" be added at the end of clause 11-3, and at the end of clause 13-*a* before the word "and".

In clause 20 the words "before the first hearing of a case" be omitted, and the words "before the suit is heard on the merits" be substituted in their place.

The words "or otherwise" at the end of clause 25 be omitted.

Clause 26 should be so amended as to leave the power of "fine, reprimand or punishment" in the hands of the High Court alone.

Clause 30. The power to settle the form of sanads need not be delegated by rules to the High Court. It should be reserved to the legislature.

It is further submitted that the difference in the form of sanads for the High Court and District pleaders may be done away with.

And it is submitted that unless a very precise definition of the words "disloyal movement" be possible, the words should not be incorporated in a sanad.

In the matter of fees, my brethren have decided to request that 6 per cent. up to the limit of Rs. 5,000 should be allowed.

And it is also desired that in the schedule 3, clause 2-*c*, the words "one half" be substituted for the words "one fourth".

We have not thought it necessary to give detailed reasons for the suggestions herein contained as they are very clearly required to be accepted in the interests of the Bar as well as in the interests of the public.

I need hardly say that the remuneration for the pleaders was settled nearly a century ago and now that the legislature have been moved to do some justice to the class, it is hoped full justice will be given to them. The nature of the litigation is becoming more and more complex and difficult and the need for precision greater and greater. Considerable demand is made on the energy and the time of the members of the legal profession and the lot of the pleaders in the mofussil is particularly to be pitied as they have to enforce law and procedure amongst a class of litigants not very much in sympathy with the exigencies of the procedure laws, and it is no small consolation to them to know that the mofussil bar have hitherto maintained the traditions of their profession.

It is a matter of regret that the legal profession is sought to be kept in dread of the slippery definition of the words "disloyal movement". As the desire of the people for their advancement grows stronger and stronger, as the supporters of the liberty of the people, the bar cannot stand out of the arena of discussion, and in their endeavours to

advance the cause of their country's progress, the bar in this country simply follow the illustrious examples of the lawyers in Europe and America. In every country the lawyers have taken a leading part in the country's progress, as well as in the administration and it is hoped the Bombay legislature will do nothing that they may deter any member of that class from doing his duty according to his light consistently with his duty to the State and society.

I may say that it will be advisable, if the Bill is passed into law, if immediate effect is given to it, so as to apply to pending suits and proceedings. Concessions have been given to the solicitors and there is no reason why the principle should not apply to the mofussil bar.

I have the honour to be,

Sir,

Your most obedient servant,

ANTOLDAS HARGOVANDAS,

President, Bar Association, Broach.

To

HIS EXCELLENCY SIR GEORGE AMBROSE LLOYD, KT., G.C.I.E., D.S.O.,
Governor of Bombay.

MAY IT PLEASE YOUR EXCELLENCY:

(1) On behalf of the Anjuman Islam Sunnut-Jamat of Bombay and in virtue of a special resolution passed at its general meeting held on 28th of July 1920 I have the honour as the President of the said Anjuman, to convey to Your Excellency the sense of its keen appreciation and gratitude for the measures Your Excellency has resolved to adopt in assisting the Municipal Corporation of Bombay, in its policy of introducing free and compulsory primary education for boys and girls within the Municipal limits of Bombay.

(2) In acknowledging the high principles actuating Your Excellency in this matter, I beg leave to invite the attention of Your Excellency to the following points which reflect the ideas and sentiments of the Sunnee Musalmans (forming ninety per cent. of the Musalman population) on this question, and which I venture to hope will merit Your Excellency's gracious and sympathetic consideration.

(3) With regard to imparting primary education to Musalman boys and girls I beg leave to represent that considered from a social and religious point of view, it is desirable that separate schools should be established for Musalman boys and Musalman girls, which does not offer insuperable difficulties. Considering the education to be imparted, and the class of people which will be compelled to receive it, the ideal of the elementary education of a Musalman will not in any way be attained. The social and the religious life of the Musalmans is far apart from the rest of the City's population. It is obligatory on the Musalmans to impart religious instruction to their children at the very beginning of their educational course.

(4) Since in almost all cases the primary course will complete the education a boy or girl will receive from the Municipal Schools, the Musalmans cannot but view with apprehension the completion of the education of their children without religious instruction. The Musalmans naturally regard such education as subversive of their religion and will in consequence not be able to appreciate the benefits of free primary education. Further at present some of the primary Urdu Schools of the City are mixed schools for boys and girls. I submit, that so far as the Musalmans are concerned mixed schools for boys and girls are not desirable for various reasons which I need not bring before Your Excellency.

(5) As regards the compulsory education of girls, considering the present social and religious sentiments of the community no one would regard *compulsory* education of girls with favour. Almost all the Sunnee Musalmans, as Your Excellency must be aware, strictly observe the purdah system. According to the canons of our Holy Religion purdah becomes obligatory after a girl reaches the age of nine years. Under these circumstances Your Excellency will perceive that it will indirectly affect the policy of non-interference in religious matters so long observed by the British Government. It would appear that the Municipal Corporation overlooked this aspect of the question. The purdah system is at present a living institution among the Musalmans as it is sanctioned by the usage of centuries and sanctified by the mandates of our Holy Religion. It is cherished as a fortress of refuge for our moral and social system. In no case will the primary schools be able to observe the purdah system even in its crude form.

Further the want of female Musalman teachers will not induce Musalman parents to entrust their girls to male Musalman or to female non-Musalman teachers, and from some very grave facts which have come to my notice in my capacity as an Honorary visitor of the Municipal Urdu Schools, they would be justified in their fears. If compulsion were to be used for girls it would be a grievous hardship felt by all Musalmans with families. I would respectfully beg leave to urge upon Your Excellency that the prevailing opinion of the Musalmans on the compulsory education of girls under present day conditions is totally against such education, on religious grounds. Apart from this, it is well known that serious cases of immorality have come to light, which have been due to the employment of male teachers in schools where girls receive education. As a matter of fact a fairly large population of Musalman girls of the middle class receive the rudiments of their education, embracing secular and religious, at home. This is imparted either by the parents or relatives or by professional Musalman lady teachers who give tuitions from house to house.

(6) I have drawn Your Excellency's attention to the necessity of religious education for Musalman boys and girls. The Municipal Authorities have merely allowed the reading of the Holy Koran in the Urdu Schools, but obviously this is not all that is required. What is required is an amplified and complete course of religious instruction supplementing the reading of the Holy Koran. It is therefore desirable that arrangements be made to give sound religious instruction to boys and girls, for which at least two hours per day should be set apart.

(7) There is no objection for compulsory primary education for Musalman boys, provided religious instruction is given. I would, however, bring to Your Excellency's attention, the position of the poor of my community who by nature of their extreme poverty are compelled to send their boys to earn when they are scarcely seven years of age. To such people compulsory education will mean serious hardship. It would therefore be advisable to limit their attendance at schools to two hours per day, otherwise they will have to starve.

(8) The distribution of schools to the distance of a mile apart will inflict great hardship on many children. It would be advisable therefore to distribute these schools to certain streets, and as most of these streets have particularly one class of population, the provision of exclusive Musalman schools for boys and girls will not be burdened with difficulties. It will be noticed that motor car and other accidents are so numerous in Bombay, that the anxiety of parents will be almost unbearable when the children are away from home if the schools are located at a long distance from the residence of children.

(9) There is one more fact which I would beg leave to impress upon Your Excellency and that is that since children of such tender years will have to find their way to school and back, it is very desirable that female chaprasis be employed to accompany the children to and from school, a provision which will be much appreciated by all alike.

(10) In the absence of compulsion for Musalman girls, I submit that female Musalman Inspectors may be appointed to make primary schools for girls popular among the Musalmans of Bombay. Prominent Musalmans should also be appointed on different Ward Committees to use their influence for the attendance of Musalman girls to the primary schools. After a few years of experience of the compulsory attendance of the Musalman boys at the Urdu Primary Schools, we shall be able to evolve an effective system of primary education for the Musalman girls also, but this system must be based on the voluntary attendance of girls to the primary schools.

(11) I beg to impress upon Your Excellency that the feeling of the Musalman community as regards the necessity of employing female Musalman teachers in the girls' schools is very keen, as no self-respecting community can view without anxiety the system of mixed schools now in vogue which inevitably leads to serious laxity in the morals of its youth.

(12) In conclusion I beg to assure Your Excellency of our best wishes and prayers for Your Excellency's happy and successful rule of this important Presidency.

I have the honour to be,

Sir,

Your most humble and obedient servant,

BADRUDIN ABDULLA KOOR,

President, Anjuman Islam Sunnut-Jamat,

Bombay.

Kambekar Street,

Bombay, 28th July 1920.

Buildings for primary schools—Revised procedure relating to the approval of plans and estimates of

GOVERNMENT OF BOMBAY.

PUBLIC WORKS DEPARTMENT.

Order No. W.—15125.

Bombay Castle, 19th August 1920.

ORDER OF GOVERNMENT.

In order to expedite the procedure followed at present in obtaining official approval to plans and estimates of buildings for primary schools, Government are pleased to direct that the revised procedure detailed in paragraphs 2 and 3 below should now be followed.

2. In cases of projects for primary schools under Local Boards, the Deputy Educational Inspector, who is in the first instance the Officer responsible for the selection of a site, should, after choosing a site that he considers suitable, at once communicate direct with the Educational Inspector. If the latter considers the site proposed by the Deputy *primâ facie* suitable, he (the Educational Inspector) should communicate without delay with the President of the Local Board giving details of the site as per the Deputy's description and ask the President of the Board, if he approves of the proposal, to have a proper site plan prepared as early as possible. The officer responsible for preparing this plan should send it to the President, District Local Board, through the Deputy Educational Inspector and the Educational Inspector, who should sign it and pass it on. The President, District Local Board, will next get the approval of the Sanitary Department and the Executive Engineer and then, if necessary, ask the Collector to acquire the land. The Collector will, as usual, submit the case (which should include the site plan signed by the Educational Inspector and the Deputy) to Government in the Revenue Department, through the Commissioner and the Director of Public Instruction. When the President, District Local Board, addresses the Collector regarding acquisition of land, he should *at the same time* ask the Executive Engineer to get the necessary plans and estimates for buildings prepared without waiting for the completion of acquisition proceedings.

3. Municipal authorities usually take the initiative in the case of selection of sites, but these have to be approved by the Deputy Educational Inspector and the Educational Inspector. Once this approval is obtained, the Municipality should get the approval of the Executive Engineer and the Sanitary Department, after which plans and estimates can be prepared at once. If a building grant is desired, the case should be submitted to the Director of Public Instruction (through the Educational Inspector), only when all the plans, etc., have been approved by the officers below.

4. The officers concerned are requested to see that matters relating to projects for primary schools are dealt with expeditiously. Type unit plans have now been sanctioned for primary schools, and the adoption or adaptation of these should considerably expedite the work of the Executive Engineer.

5. It has been observed that much delay is often caused by the non-observance of the rules regarding construction of schools by local bodies and others, whose attention has then to be drawn to them, which results in fresh proposals having to be submitted. It is therefore requested that aided managers who desire grants should be supplied with copies of the type plans and printed rules regarding construction of schools and they be asked to follow them. This should be done by the Director of Public Instruction.

W. L. C. TRENCH,
Under Secretary to Government.

[*P. T. O.*

To

The Revenue Department, Secretariat.
The General Department, Secretariat.
The Educational Department, Secretariat.
The Commissioner in Sind.
The Commissioners of Divisions.
The Director of Public Instruction.
The Chief Engineer in Sind.
The Superintending Engineers of Divisions.
The Sanitary Commissioner for the Government of Bombay.
The Consulting Architect to Government.
The Sanitary Engineer to Government.
All Collectors, including the Collectors in Sind and the Deputy Commissioner, Upper Sind Frontier.
The Municipal Commissioner for the City of Bombay.
The Accountant General, Bombay.
All Executive Engineers.
The Secretary to the Legislative Council (with spare copies for Council table).

Class B.

Exd. R. D. K.

Indexed.

Answer to question No. 4 put by the Honourable Khan Bahadur Ebrahim Haroon Jaffer at the meeting held in July 1919.

THE HONOURABLE KHAN BAHADUR EBRAHIM HAROON JAFFER.

Question.	*Answer.*
4. (*a*) Will Government be pleased to place on the Council table papers relating to the ownership of Table land at Panchgani; (Panchgani Land.)	4. (*a*) and (*b*) The Table land plateau at Panchgani originally belonged to Mr. Khanderao Dattatraya Wakade, inamdar of the village of Dhandegar in the Wai Taluka of the Satara District, from whom it was purchased with all inam and mirashi rights by an Association of the inhabitants of Panchgani, known as the Table Land Association. The Association conveyed the plateau to Government and the property is vested in the Secretary of State for India upon certain trusts. The Station Fund and their successors the Municipality have certain rights and liabilities in respect of the property but no proprietary rights over it.
(*b*) and state in whose possession this land is at present?	
(*c*) and how it is being utilized.	(*c*) It is utilized as a recreation ground and a place of public resort.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS

The

Bombay Government Gazette

PUBLISHED BY AUTHORITY.

TUESDAY, 26TH OCTOBER 1920.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Proceedings of the Council of the Governor of Bombay.

Journal of the proceedings of the Legislative Council of the Governor of Bombay, assembled under the provisions of the Government of India Act, 1915.

The Council assembled on Monday, the 27th September 1920, at 12 noon, at the Council Hall, Poona.

PRESENT:

His Excellency Sir GEORGE AMBROSE LLOYD, G.C.I.E., D.S.O., Governor of Bombay, *President.*

The Honourable Sir GEORGE CARMICHAEL, K.C.S.I., I.C.S., *Vice-President.*

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

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

The Honourable the Advocate General (Sir THOMAS J. STRANGMAN, Bar-at-Law).

The Honourable Mr. SALEBHOY KARIMJI BARODAWALLA.

The Honourable Mr. ALI GOHAR BHUTTO, son of GHULAM MURTAZA, Bar-at-Law.

The Honourable Mr. RUPCHAND BILARAM, LL.B.

The Honourable Mr. J. G. COVERNTON, C.I.E.

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

The Honourable Rao Saheb HARILAL DESAIBHAI DESAI.

The Honourable Mr. R. E. ENTHOVEN, C.I.E., I.C.S.

The Honourable Major C. FERNANDES, M.D., F.C.P.S., I.M.S.

The Honourable Rao Bahadur SIDDHANATH DHONDDEV GARUD.

The Honourable Dewan Bahadur KASHINATH RAMCHANDRA GODBOLE.

The Honourable Mr. G. W. HATCH, I.C.S.

The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH, LL.B.

BOMBAY TOBACCO BILL.

[*The President; Rao Bahadur S. D. Garud; Mr. G. S. Curtis; Mr. R. P. Paranjpye; Sir G. Carmichael; Mr. Purshotamdas Thakurdas.*] [27TH SEPTEMBER 1920.]

The Honourable Mr. J. D. JENKINS.
The Honourable Major-General W. E. JENNINGS, M.D., I.M.S.
The Honourable Sardar GULAM JILANI.
The Honourable Mr. BALKRISHNA SITARAM KAMAT.
The Honourable Mr. H. S. LAWRENCE, C.S.I., I.C.S.
The Honourable Mr. H. P. W. MACNAGHTEN.
The Honourable Khan Bahadur PIR BAKSH WALAD MIAN MAHMUD, C.I.E.
The Honourable Mr. P. J. MEAD, C.I.E., I.C.S.
The Honourable Mr. CHUNILAL VIJBHUKHANDAS MEHTA, LL.B.
The Honourable Mr. LALUBHAI SAMALDAS MEHTA, C.I.E.
The Honourable Sardar SHRINIVAS COOPOOSWAMI MUDLIAR.
The Honourable Rao Bahadur VENKATESH SHRINIVAS NAIK.
The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE.
The Honourable Mr. GOKULDAS KAHANDAS PAREKH, LL.B.
The Honourable Sir DINSHAW MANOCKJEE PETIT, Bart.
The Honourable Mr. MUNMOHUNDASS RAMJI.
The Honourable Mr. L. ROBERTSON, C.S.I., I.C.S.
The Honourable Rao Bahadur GANESH KRISHNA SATHE, C.I.E.
The Honourable Mr. C. N. SEDDON, I.C.S.
The Honourable Mr. PHIROZE C. SETHNA, O.B.E.
The Honourable Mr. H. O. B. SHOUBRIDGE, M.Inst.C.E.
The Honourable Mr. PURSHOTAMDAS THAKURDAS, C.I.E., M.B.E.
The Honourable Mr. E. G. TURNER, I.C.S.
The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI.
The Honourable Mr. HARCHANDRAI VISHINDAS, C.I.E., LL.B.
The Honourable Mr. M. DE P. WEBB, C.I.E., C.B.E.

The Honourable Mr. H. S. Lawrence took the oath of allegiance to the Crown.

His Excellency the President:—Questions.

The numbers of questions were then called (and the following supplementary questions were put).

The Honourable Rao Bahadur S. D. Garud:—Your Excellency,—With regard to my Question No. 1 (*b*), will Government be pleased to state who raised the subscription for the Arunavati Bridge? Was it the district local board, or some one amongst the people, who raised that subscription?

The Honourable Mr. G. S. Curtis:—I must ask the honourable member to give notice of that question.

The Honourable Mr. R. P. Paranjpye:—Your Excellency,—As regards the answer to my Question No. 10, I want to inquire whether the Oriental Translator's office is recruited on a different footing from the other departments of the Secretariat?

The Honourable Sir G. Carmichael:—I do not think I can add anything to the answer already given. The office establishment of the Oriental Translator is included in the cadre of the Secretariat but the work done in the Oriental Translator's office is of a different nature.

The Honourable Mr. Purshotamdas Thakurdas:—Your Excellency,—With regard to the answer to my Question No. 3, may I ask whether any check is exercised by Government on the export of cattle?

The Honourable Mr. G. S. Curtis:—The answer to the question is in the negative.

BOMBAY TOBACCO BILL.

His Excellency the President:—A bill to amend the law relating to the duty payable on tobacco and to the import, transport, retail sale and warehousing thereof in the city of Bombay, Bill No. IV of 1919. The Honourable Mr. Curtis.

BOMBAY TOBACCO BILL—BOMBAY CITY PRIMARY EDUCATION BILL.

[27TH SEPTEMBER 1920.] [*Mr. G. S. Curtis; Mr. Purshotamdas Thakurdas; the President; Sir Ibrahim Rahimtoola.*]

The Honourable Mr. G. S. Curtis:—Your Excellency,—The report of the select committee on the bill to amend the Tobacco Act has been before the Council for some time. The report is not unanimous and to it is appended a dissenting minute by the Honourable Mr. Purshotamdas Thakurdas in which stress is laid upon the severity of the taxation as far as the cheaper sort of tobacco is concerned, and the harassing nature of the impost which its continuance imposes.

Under the reformed councils the subject of excise will be a transferred subject, and as there is some difference of opinion regarding the desirability of continuing this act, as there is considerable conflict of interest between the municipality on the one hand and the tobacco trade and the consumer on the other, Government thought it desirable to refrain from proceeding with this bill with a view to its being later introduced in the reformed councils by the Minister in Charge if he thought that course desirable. I, therefore, beg leave to withdraw this bill.

The Honourable Mr. Purshotamdas Thakurdas:—Your Excellency,—May I address the Council on this subject? I must say honestly that I am very much disappointed with the statement that the Honourable Member in Charge has made in bringing this motion before this Council, namely, that this bill be withdrawn.

My minute of dissent to the report of the select committee may not perhaps be fresh in the minds of honourable members as this amending bill has been before every meeting of this Council ever since October last.

His Excellency the President:—I understood the honourable member wanted to ask a question. But he is certainly not entitled to make a speech on this bill as it is being withdrawn.

The Honourable Mr. Purshotamdas Thakurdas:—I do not think, sir, I will be out of order in showing to this Council that this motion to withdraw this bill is hardly justified.

His Excellency the President:—Once Government withdraws a bill there is no motion before the chamber and no discussion will be allowed. I will of course give leave to ask a question, but no leave will be given to make a speech on this bill which is withdrawn by Government.

The bill was by leave withdrawn.

A BILL TO PROVIDE FOR THE EXTENSION OF PRIMARY EDUCATION IN THE CITY OF BOMBAY (BILL No. IV OF 1920).

His Excellency the President:—A bill to provide for the extension of primary education in the city of Bombay, Bill No. IV of 1920. Second reading. The Honourable Sir Ibrahim Rahimtoola.

The Honourable Sir Ibrahim Rahimtoola:—Your Excellency,—I beg to move that the bill to provide for the extension of primary education in the city of Bombay be read a second time.

The Honourable Sir Ibrahim Rahimtoola moves the second reading of the bill.

Honourable members will have observed that the select committee on the bill is unanimous. There are two or three points which involve consideration, and they have been dealt with in the report of the select committee. The first point is in regard to the constitution of the schools committee. It has been provided that four additional members will be co-opted from outside the corporation, two of whom must be ladies. That is merely carrying out the original intention. The second point deals with the deletion of section 62 B of the existing Municipal Act. Under that section certain provisions were made for the payment of grants to the municipality. The new arrangement which has been recently made alters the situation, and in addition to the clauses dealing with that matter, it has been provided that the Bombay City Municipality should receive the same treatment as other city municipalities in regard to expenditure on primary education. The effect of this is merely to put the city of Bombay on the same footing as other cities in the Presidency.

The third point deals with the question of the employment of children in factories. The matter was very carefully considered by the select committee and they came to the conclusion that the provision as it originally stood met all the points. Honourable members will observe that the power to regulate the hours of attendance at school was vested in the schools committee which will administer compulsory primary education, and that committee will be wholly elected. I think honourable members will trust such a body to deal suitably with the best interests of the city and frame regulations which will

BOMBAY CITY PRIMARY EDUCATION BILL.

[*Sir Ibrahim Rahimtoola; Mr. C. V. Mehta.*] [27TH SEPTEMBER 1920.]

leave no room for any serious objections. With these few words I ask honourable members to pass the second reading of this bill.

The Honourable Mr. C. V. Mehta:—Your Excellency,—In supporting the second reading of this bill I wish to refer to the petition that has been sent to this Council by the President of the Anjuman Islam Sunnut-Jamat of Bombay. That petition, sir, argues against compulsory education for Moslem girls and makes a statement that the municipal corporation overlooked the Mahomedan aspect of the question while asking for the passage of this bill.

I should like, your Excellency, to point out that this bill follows in this particular, as in most others, the powers that are given to other district municipalities inasmuch as a notification can only be issued after satisfying the department of education that satisfactory provision for the compulsory education of children has been made. This will meet the contention for the provision of female teachers in girls' schools. I wish to point out, sir, that there are various safeguards even if we recognize the difficulty of making education compulsory in the city of Bombay for Mahomedan girls. I may say at once, sir, that there are some sections of the Hindu community, at any rate, which consider that the time is not quite ripe for the wholesale introduction of compulsory education for girls. But the safeguards provided in this bill will be a sufficient guarantee, your Excellency, that the power will not be abused. In the first place, as I said, you have got to satisfy the department of education that provision has been sufficiently and adequately made which will meet the point that is made in the petition, that you should have female teachers in girls' schools. Then, further, it is provided that the corporation can only pass a resolution asking for compulsory education on obtaining the votes of at least two-thirds of the councillors present and of more than half of the whole number of councillors. I should mention that amongst the members of the Bombay Municipal Corporation the Mahomedans are strongly represented both on the corporation and on the schools committee, and they number more than one-fourth of the total number of the members of the corporation, so that there will be sufficient opportunity for them to convince the corporation of any difficulties that they might feel. There is also a provision, your Excellency, that if the parents satisfy the schools committee that a girl is receiving satisfactory instruction in other than a recognized school, she will not be bound to attend a municipal school. That was another point that is made in the petition saying that Mahomedan girls already receive education. If they do so, then there is no necessity for compulsory attendance. Moreover, section 15 reserves to Government the right to exempt a particular class or community from the operation of the act. Finally, sir, I may state that the corporation do not desire to push through a measure of this character unless it gets the backing and the support of the community for whose benefit action will be taken.

There remains only section 62 B, and I take this opportunity of thanking the Honourable Member in Charge for having met the select committee in a reasonable spirit. When first the corporation officially asked for the retention of section 62 B, which provides that the Bombay municipality will be treated on the same footing as any other city municipality should there be a change in the general policy of Government, I regret to say that Government refused that request. But when this matter was again brought up in the select committee, the Honourable Member in Charge saw the reasonableness of our request, and I take this opportunity of thanking both him and Government for acceding to the wishes of the corporation.

The Honourable Sir Ibrahim Rahimtoola:—Your Excellency,—I do not think many remarks are called for in reply. The only thing I should like to say is that the corporation is a popular body and its constitution is going to be enlarged with a substantially increased element of representation by election. Government have full confidence in the corporation and they feel confident that the provisions of this enabling act will be put in force by them in such a manner as to carry public opinion with them. I have nothing further to add.

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

The Honourable Sir Ibrahim Rahimtoola:—Your Excellency,—The bill may now be read clause by clause.

Bill read clause by clause.

Clauses 1 to 20 were then severally put to the vote and carried.

BOMBAY CITY PRIMARY EDUCATION BILL—BOMBAY TOWN PLANNING BILL.

[27TH SEPTEMBER 1920.] [*The President; Sir Ibrahim Rahimtoola; Mr. G. S. Curtis.*]

The preamble was then put to the vote and carried.

His Excellency the President:—A bill further to provide for the extension of primary education in the city of Bombay. Bill No. IV of 1920. Third reading. The Honourable Sir Ibrahim Rahimtoola.

The Honourable Sir Ibrahim Rahimtoola moves the third reading of the bill.

The Honourable Sir Ibrahim Rahimtoola:—Your Excellency,—I now beg to move that the bill be read a third time and passed.

Bill read a third time.

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

A BILL TO AMEND THE BOMBAY TOWN PLANNING ACT, 1915. (BILL NO. V OF 1920).

His Excellency the President: —A bill to amend the Bombay Town Planning Act, 1915 (Bill No. V of 1920). Second reading. The Honourable Mr. Curtis.

The Honourable Mr. G. S. Curtis:—Your Excellency,—The report of the select committee, which is unanimous as regards this bill, is on the table. The only matter which we have to notice is the omission of clause 4, on examining which we found that experts were somewhat at variance as regards the desirability of the changes in the original act contemplated by the amendments embodied in that clause, and we decided to drop it. Otherwise the bill remains as it was published. I beg to move that it be read a second time.

The Honourable Mr. G. S. Curtis moves the second reading of the bill.

Bill read a second time.

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

The Honourable Mr. G. S. Curtis:—Your Excellency,—The bill may now be read clause by clause.

Bill read clause by clause.

Clauses 1 to 4 were then severally put to the vote and carried.

The preamble was then put to the vote and carried.

His Excellency the President:—A bill to amend the Bombay Town Planning Act, 1915 (Bill No. V of 1920). Third reading. The Honourable Mr. Curtis.

The Honourable Mr. G. S. Curtis moves the third reading of the bill.

The Honourable Mr. G. S. Curtis:—Your Excellency,—I now rise to propose that the bill be read a third time and passed into law.

Bill read a third time.

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

A BILL FURTHER TO AMEND THE BOMBAY TOWN PLANNING ACT, 1915. (BILL NO. VIII OF 1920).

His Excellency the President:—A bill further to amend the Bombay Town Planning Act, 1915 (Bill No. VIII of 1920). Second reading. The Honourable Mr. Curtis.

The Honourable Mr. G. S. Curtis:—Your Excellency,—I rise to present the report of the select committee on a bill further to amend the Bombay Town Planning Act, 1915, which is intended to add a new section 45A. The only change made by the committee in the bill as presented before this Council has been the addition of the words shown in italics in the papers before the Council. Practically it means, therefore, to take the instance which I gave before, that Santa Cruz cannot be amalgamated with Bandra unless Bandra agrees. The report of the committee is unanimous, and I, therefore, beg to propose that the bill be read a second time.

The Honourable Mr. G. S. Curtis moves the second reading of the bill.

Bill read a second time.

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

The Honourable Mr. G. S. Curtis:—Your Excellency,—The bill may now be read clause by clause.

Bill read clause by clause.

Clauses 1 and 2 were then severally put to the vote and carried.

The preamble was then put to the vote and carried.

BOMBAY TOWN PLANNING BILL—PLEADERS' BILL.

[*The President; Mr. G. S. Curtis; Sir G. Carmichael.*] [27TH SEPTEMBER 1920.]

His Excellency the President:—A bill further to amend the Bombay Town Planning Act, 1915 (Bill No. VIII of 1920). Third reading. The Honourable Mr. Curtis.

The Honourable Mr. G. S. Curtis moves the third reading of the bill.

The Honourable Mr. G. S. Curtis:—Your Excellency,—I now rise to move that the bill be read a third time and passed into law.

Bill read a third time.

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

A BILL TO CONSOLIDATE AND AMEND THE LAW RELATING TO PLEADERS IN THE PRESIDENCY OF BOMBAY.

(BILL NO. VI OF 1920.)

His Excellency the President:—A bill to consolidate and amend the law relating to pleaders in the Presidency of Bombay (Bill No. VI of 1920). Second reading. The Honourable Sir George Carmichael.

The Honourable Sir G. Carmichael:—Your Excellency,—I rise to move the second reading of Bill No. VI of 1920 to consolidate and amend the law relating to pleaders in the Presidency of Bombay. The bill has been subjected to a very thorough revision at the hands of the select committee in the light of the discussion on the first reading and also of the representations which were received from the several bar associations throughout the Presidency. The committee are unanimous in their recommendations except on one point on which my friend the Honourable Rao Saheb Harilal Desai has appended a dissenting minute. The recommendations will, I think, be found to meet, in a very reasonable manner, all the criticisms which have been made on the provisions of the bill as originally drafted. Some new matter has been introduced. It is proposed to give a pleader a lien on documents for which he has given his client a receipt, and also it is proposed to enable the pleader to come to court and obtain a summary order for the recovery of costs which have been taxed by the court. These proposals are entirely new. These were not included in the original bill, nor were they suggested, I believe, in the discussion in this Council, nor were they proposed in any of the representations which came from the bar associations. The committee, however, were of opinion that in a matter of the recovery of the taxed costs pleaders should have the benefits of the same facilities as are provided for the attorneys in the High Court. The Government of India, to whom the select committee's report was reported, have drawn attention to these provisions. They are inclined to think that the desirability of this innovation is open to question, but they leave it to the Council to decide whether they should retain them or not. Government would be very glad if these new provisions are discussed fairly fully in this Council, and if any honourable member wishes to move an amendment for the exclusion of clauses 29 and 30 of the bill, then I feel sure that His Excellency the President will give the necessary permission to do so without the honourable member's having given any notice on the subject.

The Honourable Sir G. Carmichael moves the second reading of the bill.

Under the original bill it was proposed to give disciplinary powers to certain courts subordinate to the High Court, and this provision came in for very considerable criticism. The select committee were of opinion that the rational arrangement was for the authority which grants the sanad to be the authority to deal with misconduct. They also felt that to entrust the disciplinary jurisdiction to the High Court and to the High Court alone was better calculated to maintain the dignity of the pleaders' profession, and to strengthen the sense of responsibility in the mind of every one who has the honour of belonging to that profession.

The select committee have recommended that the sanads for district pleaders should, as far as possible, be in the same form as for High Court pleaders. The wording they have adopted follows that of the form at present in use for High Court pleaders. The select committee considered it unnecessary to specify any particular form of misconduct as constituting reasonable cause, and have accordingly deleted the note to the forms in schedules A and B, under the existing form of sanad. The assimilation of the forms makes it possible to simplify clause 25, which as amended gives the High Court power to take action against a pleader on reasonable cause.

The last of the important changes to which I should like to refer is the addition made to clause 7. This clause gives pleaders the right to plead in certain proceedings before public officers. The select committee were generally in favour of this extension, and the main question was how best to effect it. It was felt to be impossible to define the proceedings in which a pleader might appear by any general phrase. There were two reasons against this. In the first place, proceedings are taken under acts of the Government of

PLEADERS' BILL.

[27TH SEPTEMBER 1920.] [*Sir G. Carmichael; Rao Saheb H. D. Desai.*]

India as well as under Bombay acts. This Council is not competent to do anything which would affect the Government of India acts. In the second place, practically every action taken or order passed by a public officer is taken or passed after some enquiry, and an extension in general terms would be quite unnecessarily wide, and it might operate very disadvantageously towards the public. It is to be remembered, too, that the great majority of the orders passed by public officers are not final orders, but may be contested in a suit in a civil court. The device adopted by the select committee is to specify the more important proceedings in which pleaders should be given the right of appearing, and to empower Government to add to that list by notification. The list in the bill as amended by the select committee does not include any of the Government of India acts, as it was considered that the correct procedure in dealing with these acts would be for Government to give the right by executive order, as has in fact been done in the case of proceedings under the Income Tax Act. However, since the select committee submitted their report, the Government of India have given authority for the inclusion of any Government of India enactment in force in this Presidency in the notification, and when the clause by clause stage is reached, I propose, with His Excellency the President's permission, to move an amendment to give effect to this extension.

The point on which the Honourable Rao Saheb Harilal Desai differs from the rest of the select committee was raised in the discussion in this Council on the first reading. It concerns a comparatively small matter, namely, the compulsory retaining fee. This retaining fee gives the payee a lien on the services of the pleader. The minimum amount has been fixed at a conveniently low figure. The Honourable Rao Saheb Desai says that this arrangement is unilateral. But I cannot understand this. It appears to me that both parties are bound. The pleader is not prevented from fixing his fee at a figure sufficient to cover any risk of his not being further employed in the case, while, if the circumstances are such that the pleader is entitled to be relieved from his engagement, the bill empowers the court to give him the necessary relief. Clause 11, which provides for the retaining fee, is necessary for the protection of the client. It also protects the pleader. If no retaining fee is paid till the pleader is instructed, the client has nothing to show that there have been any preliminary dealings with the pleader, which would preclude the pleader from appearing on the other side; similarly, the pleader, if he had not been retained, could call upon the client to produce his receipt in case the client was inclined to maintain that the pleader should not appear against him.

With these remarks, sir, I beg to move the second reading of the bill. I feel confident that the measure will commend itself to the Council as a bill which will secure a satisfactory position and status for the pleaders, and, at the same time, is a reasonable measure from the point of view of the general public.

The Honourable Rao Saheb H. D. Desai :—Your Excellency,—I have great pleasure in supporting the second reading of the bill, and I beg to take this opportunity of thanking the Honourable Member in Charge as well as the Honourable the Advocate General for the concessions that they have been good enough to make in the select committee on many important points. There is only one point about which we were not at one in the select committee; and that was with reference to the retaining fee, referred to in clause 11 of the bill. With reference to that, I have given notice of two amendments to clause 11, but, at this stage, I would like to state my views in order to elucidate the matter sufficiently well.

The present provisions with reference to retaining fee are contained in Regulation II of 1827, section 50, and these provisions are only limited to the levy of a retaining fee with reference to any suit or proceeding, and clause 2 of that section provides that if the fee is not paid though demanded, then the pleader is to abstain from all proceeding until it is furnished; so that, at present, a retaining fee is to be charged with reference to work which is in court or which is to be done in court. The present provision, however, seeks to lay down a far-reaching limitation on a pleader. The words of clause 11 are very wide. A party may engage a pleader not for any proceeding in court, but simply for any work out of court also, and clause 2 lays down that he is not to perform any services until he is paid. Now, it is well known that a pleader combines in himself the duties of an attorney as well as an advocate. We have attorneys only in the Presidency town, and all over the rest of the Presidency the pleaders do the work of an attorney, which may consist of drafting documents and such other work, which has no reference to any case in court. Now, an attorney in Bombay is not bound to charge a retaining fee for any such work. Sub-clause (3) of clause 2 in defining a pleader lays down that nothing in section 11 shall apply to any attorney of the High Court. Thus, an attorney, for the purpose of drafting a will or any other document, has not to charge a retaining fee. But, under the provisions of the bill

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as they stand at present, a pleader working in the mofussil will be bound to charge a retaining fee for such work. I look at this provision as either not clearly expressed, or leading to an absurd position. If it is only meant to apply to proceedings in a court, then it has not been sufficiently clearly worded. If, however, it is meant to apply to a pleader's work as an attorney out of court, then my view is that that is a very far-reaching provision and it is rather putting a halter round a pleader's freedom restraining him to act in reference to matters which do not appertain to any work in court without first levying a retaining fee. There is also another side to it. If a pleader wishes to do any work gratis, on social or charitable considerations, why should he be prevented from doing that work? If he accepts a fee, then he must be bound by the provisions, and he cannot change sides; that is intelligible. But if a friend or an acquaintance comes to a pleader and asks him a question or two with reference to certain entanglements in his family or anything of that sort, should a pleader be put to the necessity of demanding a retaining fee, before he would advise the friend upon that point? That is putting the whole thing on a mercenary basis, and I think, therefore, that the provisions of the bill as they stand are very wide, go far beyond the present provisions, and are uncalled for, and therefore, that is a point which the Council will have to consider at the time when my amendment is moved.

At the initial stage a pleader cannot know what will be the length of the litigation that may come on thereafter, and consequently he cannot insist upon a very large fee before he is bound down according to the provisions of the bill. If he accepts a small fee of say Rs. 20 or Rs. 30 for giving an opinion or advice or for drafting a small document, then according to the provisions he is bound. The client, however, is not bound to utilize his services, and is not bound to pay him for any further services, but still he is in the predicament of having every now and then to go to court and to ask the permission of the court. Under these circumstances, the provisions, as they stand, are very embarrassing. They would be really embarrassing to a conscientious man, or they will, in practice, be evaded. I do not like that a legislative provision of that sort should be either evaded or embarrassing. Therefore, while supporting the second reading of the bill, I beg to draw the attention of the Council to this question, which is very important.

Bill read a second time. The motion for the second reading of the bill was put to the vote and carried.

Bill read clause by clause. **The Honourable Sir G. Carmichael:**—Your Excellency,—The bill may now be read clause by clause.

Clause 1 was put to the vote and carried.

His Excellency the President:—Clause 2, sub-clause (3). Amendment No. 1. The Honourable Sir George Carmichael.

The Honourable Sir G. Carmichael:—Your Excellency,—I beg to move that:

"In clause 2 (3), for the number '29-A' substitute the number '30'."

This is merely a clerical mistake, and requires revision in printing.

The amendment was put to the vote and carried.'

The Honourable Sir G. Carmichael:—With your Excellency's permission I beg to move an amendment, the notice of which was not given, namely:—

"At the end of sub-clause (5) of clause 2 add the words 'or of section 106 (1A) of the Government of India Act'."

That section reads as follows:—

"The Letters Patent establishing or vesting jurisdiction, powers or authority in a High Court may be amended from time to time by His Majesty by further Letters Patent."

The amendment was put to the vote and carried.

Clause 2 was then put to the vote and carried.

Clauses 3 and 4 were then put to the vote and carried.

His Excellency the President:—Amendment No. 2. Clause 5, sub-clause (3). The Honourable Rao Bahadur S. D. Garud.

"In clause 5 (3) omit 'District Judge' and substitute 'presiding judge of the court' and add at the end 'on payment of a prescribed fee for a particular case'."

The Honourable Rao Bahadur S. D. Garud:—Your Excellency,—Clause 5, sub-clause (3) permits a pleader to appear in special cases in another district where he does not hold a sanad, with the previous written permission of the District Judge. I beg to move an amendment that the words "District Judge" be omitted and that the words

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" presiding judge of the court " be substituted in their place. A pleader gets the right to plead in a particular district because he has received a sanad for that district by paying a particular fee for it. I submit that all that is necessary for permitting him to appear in another district is to prescribe a fee which he shall pay for the privilege of conducting a particular case and to leave it to the presiding judge of the court to grant the necessary permission. The District Judge is often far away. The presiding judge is the judge who is most concerned in any particular form of proceeding, and I submit, his permission should ordinarily be sufficient. If, for instance, a pleader happens to be present in any particular court, and the client is anxious to engage him in that court, then the permission of the presiding judge on the payment of a prescribed fee should be sufficient to enable him to appear for that client in that particular case. The procedure involved in an application being made to the District Judge, and obtaining his written permission, is very cumbrous and is liable to delay. I, therefore, submit that in the interests of the clients this provision might be amended, and the presiding judge might be permitted to issue this permission when necessary on the payment of a prescribed fee.

The Honourable Mr. G. K. Parekh:—May it please your Excellency,—I rise to support my friend's amendment. The object of this amendment is this. In certain cases it so happens that all the pleaders of the court in a particular district are engaged by one side, and it becomes difficult for the other side to obtain professional assistance in that district. It is, therefore, necessary that there should be some means for the other party to obtain the services of a pleader who is not a pleader of that district but a pleader of another district. Now, the remedy of going over to the District Judge for permission to act in another district appears to me to be a somewhat difficult remedy, a remedy which may cause an amount of inconvenience; and I should, therefore, think, that it would be desirable that a pleader, in order to appear in a case in another district, should be permitted to do so by the presiding judge. It appears to me that the amendment proposed, saves considerable inconvenience, and therefore it ought be accepted.

The Honourable Mr. P. A. Desai:—Your Excellency,—I rise to support the amendment which has been proposed by the Honourable Rao Bahadur Garud. But there is one point which I should like to know from him. His amendment reads:—

> " In clause 5 (3) omit ' District Judge ' and substitute ' presiding judge of the court ' and add at the end ' on payment of a prescribed fee for a particular case '."

At present a district pleader has to pay a fee of fifty rupees for a sanad authorizing him to practise in all the courts of a district. So, I should like to know what my friend means by saying " a prescribed fee ". Who is to prescribe? Whether the presiding judge who is to grant the permission, or the Government under the rules which Government is to frame in this connection, or what? I say in no case should the fee exceed five rupees for giving a pleader permission to appear in a case in the court of another district for which a sanad is not granted to him.

The Honourable Rao Bahadur G. K. Sathe:—Your Excellency,—I rise to support this amendment. I was one of the members of the select committee, and when this question was discussed, it did not occur to me—I frankly admit—that such a concession should be extended to pleaders. After the select committee dispersed, this point occurred to me, and I wrote to the Honourable Member in Charge of the bill. However, as we had met and discussed all these questions, perhaps it was not considered desirable to incorporate my suggestion in the clause.

The point on which I wish to support this amendment is this. It must be conceded, sir, that this is a concession which has been for the first time extended to district court pleaders who hold sanads for one district only. Remembering this fact, we have to judge whether the clause, as it now stands, is going to really benefit the pleaders to give them the advantage of this concession—or whether it will simply be a dead letter on the statute book. The District Judge is always at the headquarters, and it may oftentimes happen that a pleader of one district is called in a particular case in a taluka court to appear and conduct it in the subordinate judge's court. Even in such a case under the clause as it now stands, if an application were to be made to the District Judge, he would not decide the point unless he were to refer the matter to the presiding judge to ascertain from him whether there has been a dearth of pleaders in his court, or whether the particular client would not obtain the assistance of the local pleaders, or whether the case was really of such importance as to necessitate the concession being extended to a pleader of another district. This means, when advantage has to be taken of such a concession, that an application has to be made pretty early before the case is called on for hearing.

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And it is on that account that this would work hard upon both, the client who wishes to engage a pleader in another district for his case, and upon the pleader who accepts the engagement.

Another point on which I wish to support the amendment is as to whether the District Judge or the presiding judge should have the power to allow a pleader from another district to appear in a particular case. To me it appears that the presiding judge is the best authority and if the matters are left to him there is no apprehension that he will exercise that right too often. In the first instance such cases will be very few and if, as my honourable friend Rao Bahadur Garud has proposed in his amendment, a certain prescribed fee is to be taken for each case, I apprehend that the cases may be fewer still. So on this point as the concession has already been extended, I submit that instead of the power being left to the District Judge it might be left to the presiding judge to consider whether a pleader from another district should be allowed to appear on behalf of a client in a particular case arising in another district.

The Honourable Mr. S. B. Upasani:—Your Excellency,—I wish to support the amendment moved by my honourable friend Rao Bahadur Garud. The concession provided by this amendment is meant to meet exceptional cases, and I think, if at all it is to be granted it should be granted in a manner which would best meet the desired convenience. The clause as it stands will cause great inconvenience as has been pointed out by the Honourable Rao Bahadur Sathe who preceded me. Some time will be required to make a reference to the District Judge and for him also to make inquiries and then he will not be in the same position in which the presiding judge will be to know all the facts necessary to form a correct decision. The presiding judge before whom the case is being heard will be able to know all the actual facts necessary to decide whether the pleader from another district should be allowed to appear in that case or not. That being the case, I think it would be better to meet such cases by allowing the amendment proposed by the Honourable Rao Bahadur Garud.

The Honourable the Advocate General (Sir T. J. Strangman):—Your Excellency,—I beg to oppose this amendment. Clause 5, sub-clause 3, was inserted to meet an exceptional case. For example a man might be sued in a district in which he did not reside in regard to a matter in which he had acted upon the advice of a pleader of his own district. It was considered that it would be a matter of some hardship that he should not have the services of the pleader on whose advice he had acted. The provision was based upon the analogous powers of the Judges of the High Court to admit an advocate of another High Court when they think fit to do so in a particular case. The power under this clause was left to the District Judge as the highest judicial authority in the district. It was considered by all of us in select committee at the time when the point was raised that there could be no real difficulty in obtaining the permission of the District Judge, for presumably it would always be known some time beforehand when the case was likely to come on.

Now it would be quite out of place for anybody except the District Judge to give such permission. For, if honourable members will look at clause 8 of the bill, they will see that it is for the District Judge to assign the courts in his district to the various pleaders. The amendment if allowed would lead to this anomaly that any court in a district inferior to the District Court might permit a pleader from another district to appear in a particular case, whereas that court would have no power to admit a pleader from within the district to appear in any particular case, that power being reserved to the District Judge. In these circumstances I beg to oppose the amendment.

The Honourable Sir G. Carmichael:—Your Excellency,—I do not wish to add very much to the debate. It seems to me that the case against this amendment has been made sufficiently clear by the Honourable the Advocate General. The District Judge is the authority for assigning pleaders to the various courts in the district. It can never happen, in my opinion, that there will be any urgency in the matter of obtaining his sanction. It cannot be a matter of merely a day. It must be known beforehand when the services of a pleader from another district are likely to be required in a particular case by a particular client. So it would be very much better to leave the power with the District Court as is proposed by the clause of the bill as it stands.

The Honourable Rao Bahadur S. D. Garud:—Your Excellency,—The Honourable Mr. Pandurang Desai asked me what I meant by the words "prescribed fee for a particular case." What I mean by that is, such fee as is prescribed for the sanad, and such fee as may be prescribed by the authority who makes rules. Regarding the other difficulty

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as to whether the District Judge should be empowered or whether the presiding judge should be empowered to grant this permission, I may point out that we are now, under the clause as it stands, about to experience the same difficulty at least in Khandesh. For instance there is at Jalgaon a first class subordinate judge's court and the District Judge resides at Dhulia. Now if permission is to be obtained for the appearance of a pleader from another district before the first class subordinate judge at Jalgaon, the client has to apply to the District Judge at Dhulia which is far off from Jalgaon. But if the presiding judge is empowered to grant this permission, it would be easy for the first class subordinate judge at Jalgaon to grant this permission on an application to him. I do not understand why this unnecessary hardship of making an application in the matter to the District Judge at Dhulia should be imposed on the client. In the matter of issuing a sanad it is the District Judge who prescribes the court and in that case he is the proper authority to assign the court or courts in which a particular pleader is to be allowed to practice. In that case if he sees that there are obvious reasons for which a certain pleader should not be allowed to practise in a certain court, he does not assign that court to that pleader. But in the case in which a client wants that a pleader from another district should appear for him in a particular case, I do not know why he should be subjected to this particular hardship of making an application to the District Judge.

The motion was put to the vote and lost, 16 members voting for and 25 against.

The Council divided as follows :—

AYES.

The Honourable Mr. Ali Gohar Bhutto, son of Ghulam Murtaza, Bar.-at-Law.
The Honourable Mr. Pandurang Anant Desai, LL.B.
The Honourable Rao Saheb Harilal Desaibhai Desai, LL.B.
The Honourable Rao Bahadur Siddhanath Dhonddev Garud.
The Honourable Dewan Bahadur Kashinath Ramchandra Godbole.
The Honourable Sheikh Ghulam Hussein Hidayatallah, LL.B.
The Honourable Sardar Gulam Jilani.
The Honourable Mr. Balkrishna Sitaram Kamat.
The Honourable Sardar Shriniwas Coopooswami Mudliar.
The Honourable Rao Bahadur Venkatesh Shriniwas Naik.
The Honourable Mr. Raghunath Purshottam Paranjpye.
The Honourable Mr. Gokuldas Kahandas Parekh, LL.B.
The Honourable Mr. Munmohundass Ramji.
The Honourable Rao Bahadur Ganesh Krishna Sathe, C.I.E.
The Honourable Mr. Shridhar Balkrishna Upasani.
The Honourable Mr. Harchandrai Vishindas, C.I.E., LL.B.

NOES.

His Excellency Sir George Ambrose Lloyd, G.C.I.E., D.S.O., Governor of Bombay, *President.*
The Honourable Sir George Carmichael, K.C.S.I., I.C.S., *Vice-President.*
The Honourable Mr. G. S. Curtis, C.S.I., I.C.S.
The Honourable Sir Ibrahim Rahimtoola, Kt., C.I.E.
The Honourable the Advocate General (Sir Thomas J. Strangman, Bar-at-Law)
The Honourable Mr. Salebhoy Karimji Barodawalla.
The Honourable Mr. Rupchand Bilaram, LL.B.
The Honourable Mr. J. G. Covernton, C.I.E.
The Honourable Mr. R. E. Enthoven, C.I.E., I.C.S.
The Honourable Major C. Fernandes, M.D., F.C.P.S., I.M.S.
The Honourable Mr. G. W. Hatch, I.C.S.
The Honourable Mr. J. D. Jenkins.
The Honourable Major-General W. E. Jennigs, M.D., I.M.S.
The Honourable Mr. H. S. Lawrence, C.S.I., I.C.S.
The Honourable Mr. H. P. W. Macnaghten.
The Honourable Khan Bahadur Pir Baksh walad Mian Mahmud, C.I.E.
The Honourable Mr. P. J. Mead, C.I.E., I.C.S.
The Honourable Mr. Chunilal Vijbhukhandas Mehta, LL.B.
The Honourable Mr. Lalubhai Samaldas Mehta, C.I.E.
The Honourable Mr. L. Robertson, C.S.I., I.C.S.
The Honourable Mr. C. N. Seddon, I.C.S.

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AYES.

NOES.

The Honourable Mr. Phiroze C. Sethna, O.B.E.
The Honourable Mr. H. O. B. Shoubridge, M.Inst.C.E.
The Honourable Mr. E. G. Turner, I.C.S.
The Honourable Mr. M. de P. Webb, C.I.E., C.B.E.

Clauses 5 and 6 were then severally put to the vote and carried.

His Excellency the President:—Clause 7, sub-clause (1) (*e*), Amendment No. 4. I will take the wider amendment of the two first. The Honourable Mr. P. A. Desai.

For clause 7 (1) sub-clause (e), substitute the following:—

(e) before any public officer when exercising any judicial or quasi-judicial function.

The Honourable Mr. P. A. Desai:—Your Excellency,—Under the assurance given to me by the Honourable Member in Charge I should like to withdraw this amendment.

The amendment was by leave withdrawn.

His Excellency the President:—The Honourable Rao Bahadur Garud. Amendment No. 3.

Clause 7 (1) (e).—Substitute "before any public officer when exercising judicial or quasi-judicial functions under Bombay Land Revenue Code, Bombay Hereditary Offices Act, Khoti Settlement Act, Gujarat Talukdars Act, Bombay Town Planning Act, and in such proceedings under any Bombay Act as the local Government by notification in the Bombay Government Gazette may specify."

The Honourable Rao Bahadur S. D. Garud:—Your Excellency,—I am not aware of what assurance has been given to my honourable friend Mr. Desai by the Honourable Member in Charge, and I am, therefore, constrained to move this amendment.

His Excellency the President:—The honourable member's amendment is included to a certain extent in a wider amendment which was proposed to be moved by the Honourable Mr. P. A. Desai. Do I understand that the honourable member wishes to move the amendment standing in his name, or does he not?

The Honourable Rao Bahadur S. D. Garud:—Yes, sir. I find myself in some difficulty, because, I do not know what assurance has been given to the Honourable Mr. Desai and why he has withdrawn his wider amendment.

The Honourable Sir G. Carmichael:—Your Excellency,—I have had a private conversation with the Honourable Mr. P. A. Desai before the Council met this morning. What I said to him was that Government had accepted the principle of providing that the pleaders should have the right of appearing in such cases, and I said that they would not be niggardly in drawing the line between the cases in which pleaders would be allowed to appear and those in which they would not. Practically every revenue order is passed after an enquiry of some sort, but it would not be appropriate if in minor matters or matters of little importance, matters too in which the orders are not final, permission were given to pleaders to appear. I said that Government would not be niggardly, if the power was given to them under this bill, in defining the cases in which pleaders should have the right of appearing. I propose, after the Honourable Rao Bahadur Garud's amendment is disposed of, to move, with His Excellency's permission, a further amendment to alter the wording of the clause so as to make it include all enactments in force in the Bombay Presidency. I said before that orders have been issued allowing pleaders the right of appearing in cases coming under the Income Tax Act, which is a Government of India Act. The matter was discussed in the select committee and though we held that Government of India acts could not be dealt with in the bill, it was agreed that in appeal cases coming under the Indian Registration Act also pleaders should have the right of appearing. The assurance given by me was that Government would not be niggardly at all in notifying the cases in which pleaders might have the right of appearing.

The Honourable Rao Bahadur S. D. Garud:—Your Excellency,—Government assured me on a previous occasion that pleaders would be allowed to appear in cases under two or three acts, for instance, the Income Tax Act, the Hereditary Offices Act and the

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Land Revenue Code, and that circulars would be issued to that effect. Now I want to include these acts particularly in this clause, for the reason that Government have pratically agreed to allow pleaders to appear in cases under these acts. But I find that in this clause there are only a few sections of those acts in which pleaders are allowed to appear. I, therefore, submit that before Government pursue the wider policy which they now say they will pursue, the bill should be amended. Government will have the power to widen the scope of this particular clause by the power which they have to include by special notification any cases which they may desire to include in this clause, and I, therefore, submit that these acts should be wholly included in this clause now. With these remarks I beg to move my amendment.

The Honourable the Advocate General (Sir T. J. Strangman):—Your Excellency—I am afraid I am to some extent responsible for this amendment, inasmuch as in a tentative redraft that I put before the select committee, I used these expressions "an officer exercising judicial or quasi-judicial functions". The idea was to simplify the bill so far as possible in a matter of drafting. But in select committee it was pointed out that the suggestion would go very much too far and it was realized by all of us that it would be quite sufficient for pleaders to have the right of appearance at the final stage. Now when it is remembered that there were pleaders of the standing of the Honourable Rao Bahadur Sathe, of the Honourable Mr. Belvi and of the Honourable Rao Saheb Harilal Desai on the committee, I think, honourable members may rest satisfied that the interests both of the profession and of the public have been very amply safeguarded. I would also draw the honourable mover's attention to the last clause in the section which gives power to Government to add to the list of proceedings in which pleaders shall have the right of appearance.

The Honourable Sir G. Carmichael:—Your Excellency,—The Honourable Rao Bahadur Garud's main point, I think, is that the list of the sections which have been entered in the bill by the select committee is not sufficiently complete. But the select committee entered in clause 7 as many provisions as they could conveniently remember at the time, and if the bill is passed in this form, then Government will have all the acts reviewed in order that the notification under this bill defining the sections under which pleaders will have the right of appearance may be as complete as possible. The committee were pressed for time and it was not possible to ask all the departments to report as to which sections should be included in the scheme of clause 7 of the bill.

The amendment was then put to the vote and lost.

The Honourable Sir G. Carmichael:—Your Excellency,—With your Excellency's permission I beg to move that:—

> **"In clause 7 (1), sub-clause (e), for the words 'Bombay Act' the words enactment in force in the Bombay Presidency' be substituted."**

This will give Government power to include in any notification sections under the Government of India acts as well as under the local acts, while the clause as at present drafted refers entirely to the Bombay acts.

The amendment was put to the vote and carried.

Clause 7 as amended was then put to vote and carried.

His Excellency the President:—Amendment No. 5, clause 8, sub-clause (*a*). The Honourable Mr. Upasani.

The Honourable Mr. S. B. Upasani:—Your Excellency,—The amendment which I propose to move is to amend sub-clause (*a*) of clause 8 which runs as follows:—

> "in such civil court or courts as the District Judge may from time to time assign to him."

The amendment which I propose is as follows:—

> **For clause 8 (a) substitute '(a) in any civil court in the district.'**

Under the clause as it stands, a district pleader would be allowed to practise only in those courts which may be assigned to him by the District Judge. I propose that this discretion is both unnecessary and inconvenient and should be removed. In the first place, the very connotation of the words "district pleader" requires that a pleader who holds the sanad of a district pleader should have the right to practice throughout the district, *i.e.*, in all the courts which are within the jurisdiction of the District Judge. In the case of the High Court pleader we allow him to practise in all the courts under the jurisdiction of the High Court and in the same way a district pleader should have the right to practise in all

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[*Mr. S. B. Upasani; Mr. Harchandrai Vishindas; Mr. G. K. Parekh; Rao Saheb H. D. Desai; Rao Bahadur G. K. Sathe.*] [27TH SEPTEMBER 1920.]

the courts in a district instead of being restricted to practise only in some particular court or courts at the District Judge's discretion. The reason is this. Generally, the choice of a particular district or court depends upon the convenience of the individual pleader. The District Judge will look at it only from the standpoint of the court's convenience and of the number of pleaders in a particular court. The pleader's own personal convenience will not be necessarily consulted, and therefore, the pleader who may have better prospects of getting practice in one taluka may be compelled to practise in another taluka where his prospects of practice may be not at all favourable. Well, that would defeat the object for which the pleaders enter the profession. And then, different District Judges adopt different policies in this respect. Some are rather lenient and indulgent and allow the pleaders permission to appear in most of the courts in the district. Others on the other hand are rather too strict in the matter and allow permission only with very great restriction. Therefore, this anomaly should not be allowed to continue. Another thing is that certain districts have got a smaller number of courts while other districts have a larger number of courts. The operation of this restriction, therefore, results in varying amount of inconveniences in different districts. So considering all the circumstances, I think it better to allow the small amendment which I propose. No such restriction is placed in the case of criminal courts; as regards these courts the district pleaders are allowed to appear in any criminal court in the district. In the same way they should also be allowed to appear in all the civil courts in the district. With these few remarks I beg to move my amendment.

The Honourable Mr. Harchandrai Vishindas:—Your Excellency,—I think the amendment suggested is a reasonable one. As far as I remember, in Sind there is the practice of allowing a pleader who holds a district sanad to practise throughout the district, and I do not see that it will serve public interests to provide the restriction that is laid down in the clause. Besides, a pleader will be at the mercy of the District Judge, as he selects the places that he will assign to the pleader. I think it will be also in the interests of the public that a pleader should be allowed to practise in every part of the district. Then, people from outside the division to which otherwise the District Judge may allocate him would also have the liberty of securing his services. I do not think it will be a gain to anybody, or in the interests of anybody to have the restriction that is now provided in the clause. Subject to correction, I think it will be in consonance with the practice that is now prevailing.

The Honourable Mr. G. K. Parekh:—Your Excellency,—I beg to support the amendment. The reason why pleaders are assigned to a particular court is that sometimes in some courts the business is so meagre and unremunerative that pleaders very often do not like to stay in the place where these courts are located. In the circumstances, it has been considered advisable that a certain number of pleaders should be assigned to such courts. But there is no reason why these pleaders should not be permitted to go to other courts in the same district, to conduct cases in which they are engaged, and I should, therefore, think that even though pleaders may be assigned for a particular court of a district, it would be reasonable and proper that they should be permitted to practise in all the courts of that district, and I, therefore, think that the amendment is a proper one.

The Honourable Rao Saheb H. D. Desai:—Your Excellency,—I beg to support this amendment, and in doing so I will only give one illustration. A gentleman held a sanad for a district, and the District Judge had assigned to him all the courts of the district for his practice. Thereafter, he accepted a sub-judge's post, and rose to be a first class subordinate judge. When he retired, he felt himself sufficiently vigorous and consequently wanted to return to the bar, and the District Judge then presiding, instead of allowing him to practise as before at Ahmedabad, assigned the Dholka court to him to practise. Thereafter, the matter was put before the High Court, and the High Court seeing the absurdity of the thing intervened in his favour, and he was allowed to practise in all the courts of this district. What actually happens is that, where a District Judge for the time being takes a lenient view, he assigns all the courts of the district to the pleader. But his successor may not take the same view, and when a new pleader applies for a sanad, he assigns to him particular courts. From district to district the practice varies according to individual idiosyncrasy. Under these circumstances, it is much better that there should be a provision in the act which would leave no margin for differences of this nature.

The Honourable Rao Bahadur G. K. Sathe:—Your Excellency,—I wish to support this amendment. When I do so, I must explain my position, as I was a member of the select committee. I was very strong on the point that this clause should be deleted, but when I could not get the support of my colleagues—it might be due to my weakness—I yielded. It was argued that this provision has been in the old regulation, namely Regulation II of 1827, and the Honourable Member in Charge drew my attention to the fact that if

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this provision was there for nearly 100 years, there was no necessity to change that provision by deleting this clause, and allowing every pleader the right to get a sanad issued to him for all the courts in a district.

But what I want to press upon the attention of the Council is that the state of affairs in the early twenties, even later on, was quite different from the conditions prevailing now. If we take the number of pleaders now practising in all the taluka courts, you will hardly find a taluka where the District Judge will have to send pleaders because a client suffers for want of pleaders. The old state of things does not now exist. If I am right in stating what I have now done, then it does not appear to me that there is any necessity for restricting the right of the pleader to practise in all the courts, when he pays Rs. 50 to get a sanad for the district. To take the case of those who get sanads issued for the High Court, they have to pay Rs. 500, and for that amount the High Court pleaders are allowed to practise all over the Presidency in any court whether it is a district court or a taluka court. A district pleader pays Rs. 50 for a sanad for the district, and having paid the amount, he does not get the right to practise in all the courts subordinate to the District Judge, but the District Judge is given the power to restrict his sanad to particular taluka courts, and it is to this provision that objection is taken. There are instances, no doubt, which show that this provision even though it was in existence under the Regulation of 1827, was not being uniformly exercised by all the District Judges. I know of a good many cases where this clause was never taken account of, and the district pleaders were allowed to practise in all the courts. On the contrary, there are some cases where pleaders are allowed to practise only in particular courts, and not in all the courts of the district. In a case where he pays the fee, where he has to build up a practice, and where he is the only judge as to the place where he can try, on account of various circumstances which he can best judge for himself, I do not see why the District Judge should come in and ask him to go to a particular court. It is, in a way, putting a restriction on his liberty of choosing the courts where he thinks he will prosper and thrive in practice. With these remarks, sir, I think the amendment is correct, and I support it.

The Honourable Sir G. Carmichael:—Your Excellency,—The Honourable Rao Bahadur Sathe has complained of being overborne in the select committee. I have a representation to make on this point. He was not overborne by my personal influence nor by suasion of the Honourable the Advocate General but by a vital argument which he has not mentioned to-day. The overpowering argument was that pleaders are given a monopoly of certain business, and in the interests of the public that monopoly must be regulated. That was the one argument which carried weight in the discussion in the select committee. My honourable friend Mr. Parekh correctly expressed the point, but he proceeded to speak in support of the amendment. The Honourable Mr. Parekh pointed out, and it is a fact, that certain courts are unpopular. Pleaders do not wish, if possible, to be posted to these courts by the District Judge, and if they were perfectly free, they would not go there at all. The Honourable Mr. Parekh said that they ought to be free to go elsewhere. That would mean that they might nominally have their headquarters at the place assigned to them by the District Judge, but their practice would be elsewhere. In this country it happens frequently that a man's headquarters are no guide to his sphere of activity, and that would certainly happen in the case of pleaders, if the amendment were accepted. As I said, the pleaders have a monopoly of appearing in these civil cases, and it is in the interests of the public that that monopoly should be regulated so far as possible by providing that in these unpopular courts, as I may call them, a person who wishes to have his case represented by a pleader should be able to obtain the services of a pleader, without his having to engage a pleader from some other part of the district, which would mean considerable extra expense to a poor man. I think in passing this legislation, we have a right to assume that the disposition of men by the District Judge will be reasonable. The Honourable Rao Saheb Desai has given a case in which he thinks that the order of a certain District Judge was unreasonable. But he proceeded to tell us that it was immediately corrected by the High Court. The whole scheme of this bill is for work under the control and direction of the High Court. It is they who issue a sanad to the pleader, and the District Judge comes in under the High Court, and disposes of the pleaders to the best advantage of the public in a district. So much has been said about the convenience of the public, but not a word has been said about the fact that this amendment will not be to the convenience of the public in out of the way places, where only any necessity arises for the use of the powers which this bill proposes to give to the District Judge. I hope, for these reasons, that the amendment will not be accepted.

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The Honourable Mr. S. B. Upasani:—May it please your Excellency,—I do not think the Honourable Member in Charge has been able to meet the arguments urged in support of my amendment by myself and by the honourable members who supported it. As the Honourable Rao Bahadur Sathe has pointed out, the conditions and the state of things which existed in 1827 when this provision was embodied in the regulation, do not exist now. Then it was difficult to secure pleaders for certain courts, and it was also difficult for pleaders to move from one place to another. So, there was some necessity to fix them to particular courts to provide the required number even for unpopular courts. But that state of things does no longer exist. Now facilities for communication have increased; it is also easier for a pleader to move from one place to another in any district. We have made provision for pleaders from outside districts being allowed to appear in other districts. If that is so, I do not see why a pleader from the same district should not be allowed to appear in all the courts of the district. My own experience is that this restriction causes serious inconvenience and acute hardship to not a few individual pleaders. And to get over the restriction they have to pay the required higher fee and get a High Court pleaders' sanad though they have to practise only in one district and not in all the district courts under the High Courts' jurisdiction. As a matter of fact, as I said before, the old state of things does not exist. In the old days, the district pleaders were men who had passed only the inferior tests. Now, most of them are law graduates. They pass the same test which qualifies them to practise even in the High Court. If they have passed the same test, why should there be any restriction imposed, requiring them to practise only in a limited number of courts. If you call them district pleaders allow them to practise in all the courts in the district. If you restrict them to only certain taluka courts why not call them taluka pleaders. To call them district pleaders is not consistent with the treatment that is meted out to them. I think, therefore, that it is necessary in the interests of the pleaders as well as of the litigants themselves that these restrictions should be removed, and I hope that the amendment which I propose will be accepted by the Council.

The amendment was then put to the vote and lost, 17 members voting for 24 against. The Council divided as follows:—

Ayes.	*Noes.*
The Honourable Mr. Ali Gohar Bhutto, son of Ghulam Murtaza, Bar-at-Law.	His Excellencey Sir George Ambrose Lloyd, G.C.I.E., D.S.O., Governor of Bombay, *President.*
The Honourable Mr. Rupchand Bilaram, LL.B.	The Honourable Sir George Carmichael, K.C.S.I., I.C.S., *Vice-President.*
The Honourable Mr. Pandurang Anant Desai, LL.B.	The Honourable Mr. G. S. Curtis, C.S.I., I.C.S.
The Honourable Rao Saheb Harilal Desaibhai Desai, LL.B.	The Honourable Sir Ibrahim Rahimtoola, Kt., C.I.E.
The Honourable Rao Bahadur Siddhanath Dhonddev Garud.	The Honourable the Advocate General (Sir Thomas J. Strangman, Bar-at-Law.)
The Honourable Sardar Gulam Jilani.	The Honourable Mr. Salebhoy Karimji Barodawalla.
The Honourable Mr. Balkrishna Sitaram Kamat.	The Honourable Mr. J. G. Covernton, C.I.E.
The Honourable Mr. Lalubhai Samaldas Mehta, C.I.E.	The Honourable Mr. R. E. Enthoven, C.I.E., I.C.S.
The Honourable Sardar Shrinivas Coopooswami Mudliar.	The Honourable Major C. Fernandes, M.D., F.C.P.S., I.M.S.
The Honourable Rao Bahadur Venkatesh Shriniwas Naik.	The Honourable Dewan Bahadur Kashinath Ramchandra Godbole.
The Honourable Mr. Raghunath Purshottam Paranjpye.	The Honourable Mr. G. W. Hatch, I.C.S.
The Honourable Mr. Gokuldas Kahandas Parekh, LL.B.	The Honourable Mr. J. D. Jenkins.
The Honourable Mr. Munmohundass Ramji.	The Honourable Major-General W. E. Jennings, M.D., I.M.S.
The Honourable Rao Bahadur Ganesh Krishna Sathe, C.I.E.	The Honourable Mr. H. S. Lawrence, C.S.I., I.C.S.
The Honourable Mr. Purshotamdas Thakurdas, C.I.E., M.B.E.	The Honourable Mr. H. P. W. Macnaghten.
The Honourable Mr. Shridhar Balkrishna Upasani.	The Honourable Khan Bahadur Pir Baksh walad Mian Mahmud, C.I.E.
	The Honourable Mr. P. J. Mead, C.I.E., I.C.S.

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Ayes.	*Noes.*
The Honourable Mr. Harchandrai Vishindas, C.I.E., LL.B.	The Honourable Mr. Chunilal Vijbhukhandas Mehta, LL.B. The Honourable Mr. L. Robertson, C.S.I., I.C.S. The Honourable Mr. C. N. Seddon, I.C.S. The Honourable Mr. Phiroze C. Sethna, O.B.E. The Honourable Mr. H. O. B. Shoubridge, M.Inst.C.E. The Honourable Mr. E. G. Turner, I.C.S. The Honourable Mr. M. de P. Webb, C.I.E., C.B.E.

His Excellency the President:—The Council will now adjourn till 2-45 p. m. The Council then adjourned for lunch till 2-45 p. m.

After Lunch.

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

His Excellency the President:—Clause 8. The Honourable Sir George Carmichael.

The Honourable Sir G. Carmichael:—Your Excellency,—Consequential on the amendment to clause 7 (1), (*e*) which I moved and which was passed by this Council I beg to move the following amendment to clause 8 (*d*) :—

For the words "Bombay Act" substitute the words "enactment in force in the Bombay Presidency."

The amendment was put to the vote and carried.

His Excellency the President:—Amendment No. 6. Clause 8, sub-clause (*d*). The Honourable Rao Bahadur Garud.

Clause 8 (d).—Substitute "before any public officer when exercising judicial or quasi-judicial functions under Bombay Land Revenue Code, Bombay Hereditary Offices Act, Khoti Settlement Act, Gujarat Talukdars Act, Bombay Town Planning Act, and in such proceedings under any Bombay Act as the local Government by notification in the Bombay Government Gazette may specify."

The Honourable Rao Bahadur S. D. Garud:—Your Excellency,—I beg leave to withdraw this amendment.

Amendment by leave withdrawn.

His Excellency the President:—Amendment No. 7. Clause 8, sub-clause (*d*). The Honourable Mr. P. A. Desai.

For clause 8, sub-clause (d), substitute the following :—

"(d) Before any public officer when exercising any judicial or quasi-judicial function."

The Honourable Mr. P. A. Desai:—Your Excellency, I beg leave to withdraw this amendment.

The amendment was by leave withdrawn.

Clause 8 as amended and clause 9 were then severally put to the vote and carried.

His Excellency the President—Amendment No. 8. Clause 10, sub-clause (3). The Honourable Mr. P. A. Desai.

The Honourable Mr. P. A. Desai:—Your Excellency,—With your permission, I want to propose a change in the amendment that stands in my name on the agenda. I beg your Excellency's leave to make this alteration in the amendment. And the altered amendment that I propose to move is as follows :—

Insert the words "section 144 or" before the words "152 of"

This present clause empowers a pleader to appear without a vakalatnama for application for review of judgment, and also for an application under section 152 which is to correct errors, accidental slips or to make an application for permission to appeal to His Majesty the King in Council. My amendment is that an application under section 144 of the Code of Civil Procedure should be allowed to be made by a pleader without a fresh vakalatnama. That section 144 relates to restitution. If a decree is passed against a

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person, suppose for Rs. 1,000 and he prefers an appeal and that decree is modified to the amount of Rs. 500 in execution of the original decree the whole amount of Rs. 1,000 is recovered by the decree-holder. Now by the modified decree in appeal the judgment debtor is entitled to recover Rs. 500 which has been paid in execution of the original decree. An application is made by the judgment-debtor for the recovery of this amount. My amendment says that there should be no fresh vakalatnama when an application is to be made for the restitution of the amount to which the judgment-debtor is entitled by the reversal or the modification of the decree in appeal. So my amendment is a most modest amendment which simply requires that there should be no fresh vakalatnama for the appearance of a pleader when he makes an application for the restitution of the amount when the decree has been reversed or varied in appeal. I submit that in the case of an application for the review of judgment or in the case of an application for correction of an error or a mistake, no fresh vakalatnama is needed. Under the existing law if a pleader conducts a case and if a decree is passed, and if the decree-holder wants to execute that decree, the execution can be proceeded with by the pleader appearing without a vakalatnama. In the same way I say that if an application is to be made for the restitution no fresh vakalatnama should be needed.

The Honourable Sir G. Carmichael:—Your Excellency,—The clause as it is worded might suffice the purpose for which the amendment is proposed but in order to make matters quite clear perhaps it would be better to accept the proposed amendment.

The amendment was then put to the vote and carried.

Clause 10 as amended was then put to the vote and carried.

His Excellency the President:—Amendment No. 9. Clause 11, sub-clause (1). The Honourable Rao Saheb H. D. Desai.

The Honourable Rao Saheb H. D. Desai:—May it please your Excellency,—I beg to move that

In Clause 11, sub-clause (1), add the words "to act in a proceeding in court" after the word "pleader".

By the proposed addition, sub-clause (1) will read like this:—

"A party engaging a pleader to act in a proceeding in court shall pay him a retaining fee of an amount not less than one rupee."

In the absence of these words, it reads—

"A party engaging a pleader shall pay him a retaining fee of an amount not less than one rupee."

Now, as I stated in my remarks on the second reading of the bill, the existing provision about the retaining fee as laid down in Regulation II of 1827 only relates to engagement with reference to any proceeding in court, and I submit that there is no reason why that provision should be enlarged by making the levy of a retaining fee obligatory in all cases. As I submitted before, a pleader in the mofussil has often to work as an attorney in the matter of drawing up wills or drafting documents or giving opinions and in such other matters. Ordinarily an attorney is not under any obligation to charge any retaining fee and there is no reason why a pleader when acting as such should be compelled to charge any retaining fee. When a person comes to a pleader to have a will drafted, there is no likelihood of any litigation coming up and there is no likelihood of his changing sides. At that time he has to draft a will according to instructions. He is given certain instructions for drafting the will and he drafts it. At that time there is no likelihood of any litigation and consequently there is no necessity of charging a retaining fee. He charges his fee for the work and there is an end to the matter. For such work it would be very embarrassing to be compelled to charge a retaining fee, and then, whenever, after several years any litigation crops up out of a draft made or an opinion given he should be bound to appear in court and not to be engaged on the other side. At that time one hardly remembers anything. He naturally forgets whether he did anything of the sort. Such cases, therefore, ought to be excluded from the operation of the liability to charge a retaining fee. That is all that my amendment seeks, and when the attorneys are under no obligation, there is no reason why the pleaders should be compelled to charge a retaining fee. I hope the Honourable the Advocate General will be good enough to see his way to support my amendment.

The Honourable the Advocate General (Sir T. J. Strangman):—Your Excellency,—I am afraid I cannot support the Honourable Rao Saheb Harilal Desai's amendment. The object of having a retaining fee is to leave no manner of doubt as to the establishment of

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the relationship of pleader and client, and that is equally important whether the business be litigious or non-litigious. It is to the interest of the profession as much as it is to the interest of the public to leave this clause as it is, for if any question arose as to whether that relationship subsisted or did not subsist, the production or non-production of the receipt would be practically conclusive on the point. Certainty in this respect is of the utmost importance to the profession themselves. If A comes to a pleader and says "Do not act for B against me", the pleader's retort would be "Produce my receipt". Now, so far as litigious business is concerned, clause 12 provides sufficient safeguards. Supposing that the litigant retains the whole of the local bar and refuses, let us say, to give instructions to any of them except to one; then under clause 12 any of the others could go to the judge and could get leave to appear against the litigant. With regard to non-litigious business, there is nothing whatever in the bill to prevent a pleader from acting for the other side. Clause 12 only applies to litigious business. In regard to non-litigious business the only thing that does prevent a pleader from acting for the other side in a matter in which he should not so act is this, that if he does so, he is guilty of professional misconduct and would be punishable accordingly. Really and truly, therefore, there is no force in the amendment which has been put forward. As I said before, the real point is that one wants to have certainty as to the establishment of the relationship between pleader and client. With regard to litigious business any hardship that there may be can always be removed by clause 12 of the bill. With regard to non-litigious business, there is nothing at all in the bill to prevent a pleader from acting for the opposite party: though if he acts wrongly for the opposite party, he is guilty of professional misconduct and could be punished accordingly.

The Honourable Mr. Rupchand Bilaram :—Your Excellency,—I rise to support the amendment. I cannnot agree with the Honourable the Advocate General in his remarks. Bombay Regulation II of 1827 provides for a pleader getting his retaining fee only in cases where a matter goes to court, and requires the pleader to abstain from all court proceedings until he has received his retaining fee. The present bill goes much further than Regulation II of 1827. It requires a pleader to get his retaining fee and insists upon his getting his retaining fee and giving a receipt even in matters which may not be taken to court at all, or may be taken to court after a very long interval. This innovation may cause several difficulties. For instance, instructions are sometimes received by pleaders from persons outside the Presidency to give a notice. Now, under clause 11 before the pleader can send the notice he must write to the client to send him the retaining fee. If there is a client in the Punjab who desires a notice to be sent and instructs a solicitor or a pleader in the Punjab to write to a pleader in any town in the Bombay Presidency, say in Ahmedabad, to give the notice, before the Ahmedabad pleader gives that notice he must ask for his retaining fee though he has got his instructions in writing, so that there may be no dispute that he was not duly instructed. He cannot send that notice unless he writes back and says "According to the Bombay act I cannot do it unless you send me a retaining fee and unless you have a receipt for it." By the time he receives his retaining fee, the object of the notice is frustrated. Now, it is not only that instructions are received from clients or pleaders from different places to act in British India but from outside India. I know a pleader having received instructions from South Africa through solicitors there to take certain measures in the nature of protecting a party residing in South Africa, and if the pleader had been required to write to South Africa to get his retaining fee, any amount of injury would have been done. The Honourable the Advocate General referred to a safeguard in clause 12. But sub-clause (*b*) of clause 12 provides that a pleader cannot refuse or omit to appear, plead or act for his client without the permission of the court. "Act for his client" does not necessarily mean in a proceeding, but in other matters as well. Now, there may be certain instances in which a pleader has received his retaining fee for doing work outside court, but when it comes to the question of doing the work, the pleader wants a higher fee for doing the work than what the client wishes to pay. The client can very well tell him that he cannot refuse to act because he has received his retaining fee. What is to happen then? Take again the case of an intended court litigation. A client retains two or three pleaders who he thinks might be engaged to appear against him and then neglects him. His opponent goes to one of the neglected pleaders to file a suit. The pleader cannot file a suit, because before he files the suit he has to obtain the permission of the court. How can he get the permission unless a suit is filed? If A, a pleader, is paid a retaining fee by X and is subsequently neglected altogether by X, still his opponent Y cannot engage A unless he engages another pleader B, files the suit and subsequently A applies to the court for permission of the court to appear against X. If you take into consideration the provisions of sub-clause (*b*) as also take

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into consideration the fact that a pleader is not required only to appear in judicial cases but also in quasi-judicial cases, where there is no court to grant the permission, clause 12 will work a very great hardship instead of being a protection. It is said that a pleader would be protected against his client by having written proof of his relationship recorded in the receipt. If the pleader wants to protect himself, he can protect himself by giving a receipt for his retaining fee in writing. But there should be no obligation imposed upon him as is intended to be imposed by sub-clause (2) of clause 11, except, as the amendment provides, to restrict clause 11 to only court proceedings. In the case of court proceedings that safeguard may be allowed. It is not only in the ordinary instance where a client requires any notice to be given that the difficulty of obtaining the retaining fee will be experienced. Before a director of a company can get his articles drawn up or amended by a pleader, he must pay his Re. 1 retaining fee before the work is done. I do not think there is any need for providing a clause like clause 11. It will be quite sufficient if clause 11 is restricted to ordinary court proceedings. With these words I support the amendment of my honourable friend Rao Saheb Desai.

The Honourable Sir G. Carmichael:—Your Excellency,—I do not see any difficulty in the case of a director of a company, as is felt by the Honourable Mr. Rupchand Bilaram, The director can go to a pleader and pay his 8 annas retaining fee, like a cultivator who goes and engages a pleader to help him about a suit about land. This is not an amendment which Government can accept. It is intended for the protection of the client of the pleader particularly, but it also protects the pleader at the same time.

If no retainer is paid, and the client wishes the pleader to appear in court, the client who may be an ignorant man, should have something to show that he has actually engaged the pleader. It is all very well for the Honourable Mr. Rupchand Bilaram to refer to the big merchants in Karachi who do not require this protection. That is quite true. But when you come to the case of the ignorant cultivator in the village, it is quite another matter. Moreover, this bill does not apply to Karachi at all; it applies to the Presidency excluding Sind and Aden.

The Honourable Rao Saheb H. D. Desai:—Your Excellency,—I do perceive that so far as proceedings in a court and work of a litigious nature are concerned, the relationship between a pleader and a client must be established by the acceptance of a retaining fee, so that the pleader may be bound not to change sides. Upon that ground, there is no objection. But there are several kinds of work which are of a non-litigious nature, which are not likely to lead to any litigation, and which work may be done by a pleader. Under these circumstances there is no occasion for the establishment of relationship between a pleader and a client, and, as the Honourable the Advocate General says, such cases would not fall within the purview of the clause. If that is so, where is the use to let the language of the clause remain mystic, as it stands at present, and where is the objection to making the language clear, by the insertion of the words which I have proposed? To act in proceedings in a court would include all engagements of a litigious nature, and the relationship will be established in all those cases between a pleader and a client, where it is necessary for the protection of the client. But where there is no reason to protect, where it is only a case of drafting of articles or memorandum of association, or anything of that sort, is there any need to expect any litigation thereafter? There may be or there may not be future litigation, and under such circumstances why should there be the necessity to charge a retaining fee and a liability to be bound for all time because you have drafted a will, because you have drafted a conveyance, or because you have drafted some articles of association. That is what appears to me to be unreasonable, and this class of cases ought to be excepted from the clause. I do not think, ordinarily, in a court of law, when an interpretation of a section is in question, debates in Council or proceedings in the select committee, and things of that sort, are taken into consideration, but the actual words as they stand are looked at. When, so far, the Honourable Member in Charge as well as the Honourable the Advocate General are agreed that the clause does not apply to work of a non-litigious nature, then where is the objection to the Council accepting the amendment? It is not my object to leave any loophole for the profession to get out of the relationship of a pleader and a client in cases where it is necessary that such a relationship should exist. Sometimes, jocularly, an anecdote of a counsel is related where a counsel was asked to give an opinion, and he did so. Then he appeared on the other side, and when the client went to him and said "You have given me an opinion, and it is not right that you should appear on the other side," the counsel turned round and said, "Show me your name in my fee-book." That is the sort of answer the Honourable the Advocate General has given to my argument. But that rather is a way how to put off the provision

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of an act, or to evade it. I rather want that there should be no evasion, and that all cases of conscience ought to be sufficiently provided for by making matters clearer. I, therefore, request the Council to accept my amendment because it does not relax the rigour of the liability of relationship between a pleader and a client, but makes the matter clearer by compelling a pleader to insist upon the payment of a retaining fee solely for work in court, and not for work which he does as an attorney.

The amendment was put to the vote and lost.

His Excellency the President :—Amendment No. 10. Clause 11, sub-clause (2). The Honourable Mr. P. A. Desai.

The Honourable Mr. P. A. Desai:—May it please your Excellency,—The amendment which I propose to move is as follows :—

"In clause 11, sub-clause (2), substitute 'will not be bound to perform' for the words 'shall not perform'."

The present sub-clause (2) makes it a condition precedent before any pleader accepts any work, that he should have been paid a retaining fee. I think this clause is mainly in the interests of the profession of pleaders. If it is so, then I think that it should be left to the option of the pleader to perform any services or not. The present clause prohibits a pleader, unless he gets a retaining fee, from rendering any services to a client.

Now, I will give you a practical instance. An old client comes to me and wants to engage me. The retaining fee is fixed at Rs. 30. The poor man has got only Rs. 10 with him. He pays that amount to me, and I give him a receipt. He promises to give the remaining amount in eight days, and asks me to appear and render him services. Even though he is my old client, and even though I have got full confidence in him and I believe that he will pay the balance of Rs. 20 later on, the present clause as it stands prohibits me from working for him. Is this not absurd? I have got full confidence in him when he says "This is all the amount that I can pay at present; I am a poor cultivator; I will pay the balance in a few days," and I give him a receipt. The amount fixed is Rs. 30; he pays Rs. 10 and promises to pay the remainder in eight days. The present clause says that unless I am fully paid I cannot work for him. Is this not absurd? So, I say, instead of having the wording as "shall not perform any services" at least the option should be given to the pleader. If I have got full confidence in him, if I think he will pay me later on, and I am inclined to render services to him, I must be allowed to do so, and this prohibition should be removed; otherwise the position will be absurd. With these few words, I hope that the amendment will be accepted by the Council.

The Honourable Mr. Phiroze C. Sethna:—Your Excellency,—I think that the amendment of the Honourable Mr. Desai is unnecessary, for the reason that he mixes up his retaining fee with the full fee he may charge. If he has entire confidence in his client as he says, he can accept Rs. 10 as the retaining fee and trust him for the balance, and receive it later on. In the particular case that he has quoted, I do not think there is anything in the bill which will prevent him from accepting Rs. 10, and trust the client for the balance.

The Honourable Sir G. Carmichael:—Your Excellency,—I think that if the amendment proposed by the Honourable Mr. Desai is accepted, it will nullify the clause altogether. It would constitute no agreement, and would not provide for that proof of the existence of the relationship between a pleader and a client which we wish to provide. I hope the Council will reject the amendment.

The Honourable Mr. P. A. Desai:—Your Excellency,—The bill provides that one rupee shall be the minimum fee. But if there is nothing in this law to prevent me from fixing the amount at more than one rupee, and if I fix it at Rs. 30, and part of the money is paid to me and I pass a receipt for the amount, and the remaining part is promised to be paid later on, I think that this clause as it stands will come in my way, even though I may be inclined to render services to my old client. I, therefore, submit that the amendment which I propose is reasonable, and should be accepted by the Council.

The amendment was put to the vote and lost.

His Excellency the President:—Amendment No. 11. Clause 11, sub-clause (2). The Honourable Rao Saheb Desai.

The Honourable Rao Saheb H. D. Desai:—Your Excellency,—The amendment which I propose is as follows :—

"In clause 11, sub-clause (2), add at the end the words 'unless the services are performed gratis'."

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The addition of these words is not likely to make that sub-clause nugatory. It only provides for cases where services are performed by a pleader gratis, from social or charitable considerations. A pleader goes to meet a friend, and the friend puts into his hand, during his conversation, a receipt or a document, and asks him whether it is all right. Now, according to this clause, he cannot look at it, unless the retaining fee is paid down, and if he looks at it and gives an opinion, then he evades the law. Is it proper to prevent such work being done, which would be performed out of friendship or from other considerations? I think the profession of law had very honourable traditions in its early days in England. But thereafter, it has degenerated, and the counsel who performed their work, gave advice, and acted for a client without fees, or only accepted an honorarium, have fallen on days when without insisting upon prepayment of fees they will never act for anybody. These are the times on which we have fallen, but at least I do not want the pleader class to fall into such mercenary ways. Therefore, I submit, sir, that this amendment is one which ought to be accepted, because, otherwise you will only find that some people would evade it, and the clause as it stands would only embarrass a conscientious man. I see no reason whatever why Government should not accept the amendment.

The Honourable Mr. R. P. Paranjpye :—Your Excellency,—I wish to support this amendment of the Honourable Rao Saheb Desai, because, although several of us who are not pleaders, occasionally consider the pleader class as a parasitic class, or use some such hard words, occasionally at least there are pleaders who are prepared to work gratis for the public benefit. I know of cases where men who are connected with public charitable institutions have been taking the help of pleaders in several local proceedings which are occasionally forced upon them. These pleaders often do this work from charitable motives, and I think it is rather hard upon them to stop them from acting from philanthropic motives and make them accept payment for the purpose. I do not think any hardship will be caused if the clause is amended as my honourable friend suggests, and I hope that the Council will accept the amendment.

The Honourable Sir G. Carmichael: —I do not think this is an amendment which this Council should accept. The Honourable Rao Saheb Harilal Desai said with regard to his previous amendment that it would not make any loophole in the arrangement proposed by the bill. Surely this one would make a very serious loophole, because it would be open later on to a pleader to say "I did not accept the brief and therefore I received no fee." The retaining fee which is fixed by the bill is put at a very low figure indeed. It is certainly within the competence of most people who have to consult pleaders to pay one rupee, and there is nothing to prevent a pleader from accepting it from his friend client. What the select committee thought necessary was to provide some certainty to indicate that the engagement between the client and the pleader had actually taken place. It is possible, I think, even amongst lawyers, for disagreement to take place. A friend client to-day may be, I will not say an enemy the next day, but unfriendly. In a case of that kind it would be hard on him to prove that the engagement had taken place between him and his pleader. With these remarks I oppose the amendment moved by the Honourable Rao Saheb Harilal Desai.

The amendment was put to the vote and lost.

Clause 11 was put to the vote and carried.

His Excellency the President :—Amendment No. 12. Clause 12, sub-clause (*b*). The Honourable Mr. S. B. Upasani.

The Honourable Mr. S. B. Upasani:—Your Excellency,—My amendment reads:—

"In clause 12 (*b*) retain 'without the permission of the court'."

These words have been put in the first part of the main clause; and if they be taken to govern both the sub-paragraphs, then there will be no necessity for the amendment I propose.

The Honourable Sir G. Carmichael :—Your Excellency,—May I point out that the words do govern both the sub-paragraphs?

The Honourable Mr. S. B. Upasani: —That should have been made clear. However, I do not press the amendment.

The amendment was by leave withdrawn.

His Excellency the President: —Amendment No. 13. Clause 12, sub-clause (*b*). The Honourable Mr. P. A. Desai.

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"In clause 12, sub-clause (*b*), insert the word 'wilfully' before the word 'omit'."

The Honourable Mr. P. A. Desai: —May it please your Excellency,—The amendment which I propose is to insert the word "wilfully" before the word "omit," in sub-clause (*b*) of clause 12. Clause 12 reads thus :—

"No pleader after accepting a retaining fee shall without the permission of the Court,

(*a*) appear, plead or act, or agree so to do, on behalf of any other party whose interest in the case is adverse to that of his client, or

(*b*) refuse or omit to appear, plead or act for his client."

I only want to insert the word "wilfully" before "omit to appear" in sub-clause (*b*). Suppose a pleader going to the court gets a nasty accident on the way; he does not appear there in time. If the words "omit to appear" stand as they are without this word "wilfully," then the omission to appear might be considered as impropriety on the part of the pleader. Therefore, what I say is that the word "wilfully" should be put in. If he wilfully omits to appear before the court, then, of course, the pleader is guilty of misconduct. I think this amendment is very simple, and there would be no difficulty for the Honourable Member in Charge to accept it.

The Honourable Sir G. Carmichael:—May it please your Excellency,—I think there is the greatest difficulty on my part in accepting this amendment, because it is an unnecessary one. The honourable member seems to be struggling to get more and more elbow-room for pleaders without having regard to the interests of clients. If the word proposed is inserted, it would be possible for a pleader to say that the court had no right to take him to task or to obtain its permission for not appearing. The court is bound to protect the client, and it is much better to leave the clause as it is approved by the select committee, without any addition as proposed by the Honourable Mr. Desai. If the addition is made, it would be assumed by pleaders that they have permission for any reason to refuse to appear in a case.

The Honourable Mr. P. A. Desai:—Your Excellency,—I have taken into consideration both the interests of the client as well as the interests of the pleader, and I have given the instance of a pleader who, on his way to the court, gets a nasty accident. He has no time to entrust his business to another pleader, because there is no other pleader near by. Under these circumstances, if the clause stands as it is, there would be misconduct on the part of the pleader, because he omits to appear. Therefore, I submit the word "wilfully" is quite necessary.

The amendment was put to the vote and lost.

Clause 12 was put to the vote and carried.

His Excellency the President:—Amendment No. 14. Clause 13. The Honourable Sir G. Carmichael.

The Honourable Sir G. Carmichael:—Your Excellency,—I beg to move that :—

"In clause 13 for the number '29 (A)' substitute the number '30'."

That is a correction of a clerical error.

The amendment was put to the vote and carried.

Clause 13 as amended was put to the vote and carried.

Clauses 14 to 20 were then severally put to the vote and carried.

His Excellency the President:—Amendment No. 15. Clause 21. The Honourable Sir G. Carmichael.

The Honourable Sir G. Carmichael: —May it please your Excellency,—I beg to move that :—

"In clause 21 add the words 'unless the court otherwise directs'."

This is a small amendment which may be required if any exceptional case arises.

The amendment was put to the vote and carried.

Clause 21 as amended and clauses 22 to 24 were then severally put to the vote and carried.

His Excellency the President:—Amendment No. 16. Clause 25. The Honourable Mr. S. B. Upasani.

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The Honourable Mr. S. B. Upasani:—The amendment which I propose to move is as follows:—

"In clause 25 omit 'on reasonable cause' and substitute 'who has been guilty of wilful neglect of duty or misconduct in his professional capacity'."

The clause as it stood was as follows:—

"On the application of the Government Pleader in the High Court, or on a report from a District Court or Court of Session, or from the Chief Judge of the Court of Small Causes of Bombay, or from the Chief Presidency Magistrate for Bombay, or otherwise, the High Court may suspend or remove from practice, or may fine or reprimand, a pleader who has been guilty of neglect of duty or of a violation of any of the provisions of this Act or of any other improper conduct, whether in his professional character or otherwise."

These words from "Pleader" to "otherwise" in the last three lines have been removed by the select committee, and instead of them the words "on reasonable cause" have been substituted. It appears from this that the words as they stood originally did not meet with the full approval of the select committee owing, I believe, to their making a pleader liable even for improper conduct otherwise than in his professional capacity. I think instead of leaving the matter still doubtful, it should be made clear that the liability to punishment under the section should be limited to misconduct or failure in duty only in his professional capacity. For removal or suspension by the High Court of a pleader convicted of a criminal offence provision is already made in clause 24. Clause 25 provides for punishment for minor misconduct, and that misconduct should, I think, so far as possible, be limited to his professional duties alone. His conduct in any other matter in his private capacity should not be allowed to be taken into consideration in judging of his liability under this section. I think it is in the interests of the pleader class that no uncertainty should attach to this section. Therefore, I propose that we should substitute for the words "on reasonable cause," the words suggested in my amendment, namely, "who has been guilty of wilful neglect of duty or misconduct in his professional capacity."

The Honourable the Advocate General (Sir T. J. Strangman):—Your Excellency,—The object of this bill has been among other things to put district pleaders on the same footing as High Court vakils so far as might be. With that end in view the form of sanad for district pleaders has been changed to bring it in substantial accordance with the form of sanad for High Court vakils. Further as bearing to some extent on this point the power of punishment of both High Court vakils and district pleaders has been confined to the High Court. With regard to High Court vakils the High Court has power under clause 10 of the Letters Patent to remove or suspend on reasonable cause and obviously the corresponding power which is to be exercised by the High Court in regard to district pleaders should be expressed in precisely the same terms.

The Honourable Sir G. Carmichael:—Your Excellency,—On account of the beneficial rain which was falling, I had very great difficulty in hearing the Honourable Mr. Upasani. But there is one remark which he made which struck me as peculiar when applied to pleaders. The honourable member said that the pleaders should be given some certainty as to what constitutes misconduct on their part. I should have thought their own consciences and instinct for the right would be a sufficient guarantee in the matter. I am sure in 99 cases out of 100 this will be so. The select committee adopted a simple form because they thought it quite unnecessary to go into any details. The High Court may be trusted to see that misconduct of which notice is taken by them is really serious misconduct. The High Court has already decided two or three cases. I hope there will not be any more such cases. But these cases will afford sufficient guidance for the pleaders for whom the Honourable Mr. Upasani seeks more light.

The Honourable Mr. S. B. Upasani:—Your Excellency,—I admit that in the form which has been adopted for the district pleaders' sanad the words "reasonable cause" have been substituted. But my amendment does not propose any change in the form of the sanad. What I propose is to indicate to the High Court that reasonable cause for punishment under the section is meant to refer only to misconduct or failure of duty in professional capacity alone. The amendment does not imply any want of confidence in the High Court, but only makes clear the intention of the legislature that it is only misconduct in professional capacity that is meant to make a pleader liable to punishment under the section. There is no doubt that the High Court is capable of exercising its discretion reasonably but as the professional class consists of a large number of educated

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gentlemen, I do not think it proper that any provision of law which makes them liable to punishment should be left in uncertainty even though the punishment may have to be administered at the discretion of the High Court. The act must make it clear whether the High Court should have a hold on the conduct of these gentlemen even in matters which do not relate to their profession. If it is meant that they are to be suspended or punished only for misconduct which may appertain to their professional business, then it is necessary to have it made clear as suggested in my amendment so that their conduct outside their professional matters may not be held to bring them under the section in any case even if their conduct be not approved by the High Court. I gather that the clause as originally worded did not meet with the approval of the select committee, and I, therefore, propose that in the interests of this large number of professional gentlemen their liability should be made as clear and definite as possible by adopting the amendment proposed by me.

The amendment was then put to the vote and lost.

Clauses 25 to 29 were then severally put to vote and carried.

His Excellency the President:—The Honourable Mr. Sethna.

Omit clause 30 and re-number the subsequent clauses.

The Honourable Mr. Phiroze C. Sethna:—Your Excellency,—I was a non-legal member on the select committee, and there were only one or two other non-lawyers. I suppose, we were put there to act as a brake against the legal members who were in strong force and could look after the interests of the profession. We were there, I take it, to look after the interest of the general public. Fortunately for them, the legal element on the committee had the entire sympathy of the Honourable the Advocate General who favoured almost all the amendments which the legal members themselves brought, or which were urged in the different representations from the different bar associations in the Presidency. Clause 30 of the bill was also approved by the Honourable the Advocate General and in support of it he quoted the analogy of Bombay attorneys who are allowed a lien in respect of their costs on the documents which their clients leave with them. That appealed to us at the time and we accorded our support. In view of the remarks which fell from the Honourable Member in Charge this morning, namely, that the Government of India do not view the clause favourably, on maturer consideration, I think, perhaps that nothing will be lost if we drop this clause 30.

The bill is introduced as much in the interests of the pleaders of Bombay city as pleaders in the Presidency. The number of pleaders in the Presidency greatly outnumbers the pleaders in the Bombay city, and we have got to consider the class of clients in the mofussil with whom the pleaders in the mofussil have to deal, and who in the majority of cases are illiterate. The power under this clause may prove a very formidable weapon in the hands of some unscrupulous pleaders in the mofussil. That being so, I propose that this clause should be deleted as such deletion will be no hardship to pleaders in the mofussil. Further, pleaders in Bombay city are not given at the present moment any lien on the documents. It is only the attorneys that are given this lien. As the pleaders are sufficiently safeguarded by clause 29 in regard to their costs being allowed to be taxed, and to recover such taxed costs without having to go through the process of filing a suit, I think, the Council will do well in the interests of the general public to delete clause 30.

The Honourable Rao Saheb H. D. Desai:—Your Excellency,—If the amendment of the Honourable Mr. Sethna is accepted what will become of all the amendments we have hitherto made by the insertion of clause 30 in the previous clauses?

The Honourable Sir G. Carmichael:—If this amendment is accepted by the Council we shall have to make consequential amendments in some of the clauses that are passed.

The Honourable Rao Saheb H. D. Desai:—Your Excellency,—I oppose this amendment. In the select committee it was the Honourable the Advocate General who was good enough to concede this point. Ordinarily a pleader is considered to have a lien on the papers of his client for the payment of the amount either of costs or of anything else due to him, and nowadays whether it be in Bombay or whether it be on the countryside the clients going to the pleaders are in a majority of cases such as would on occasions overreach the pleader himself, so that I do not think any miscarriage or mishap is likely to happen by giving pleaders a lien for the taxed costs on the documents which come into their possession for which the pleaders would give receipts, and which are duly returned to him after the amount is paid. And even if you give a pleader a lien on any money or moveable property, that would not jeopardize the interests of the client, because, in execution proceedings when anything is taken by the pleader on behalf of his client he

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gives a receipt in court and his receipt is there. And if he asks for more than is due to him the client can certainly sue him and get his money back. There is no risk. I fail to see why a pleader who has been working for a client who has not made any prepayment for actual costs should not be allowed to have his lien on the documents in his possession and on the money which may come into his possession in execution proceedings. It is a salutary provision which the attorneys do enjoy, and I submit that the Honourable the Advocate General saw no objection to it in the select committee. It was rather he who willingly conceded it, and I do not see any reason why we should withdraw that provision now.

The Honourable Rao Bahadur G. K. Sathe:—Your Excellency,—I oppose this amendment. The ground put forward by the mover of the amendment was that no doubt the concession is given to the attorneys in Bombay, but that it would be unsafe to extend it in the case of pleaders in the mofussil, because, the clients in the mofussil are illiterate and that, therefore, this right would be exercised by the pleaders to the prejudice of the clients. If that is the only ground then the underlying assumption of this amendment is that you do not trust pleaders in the mofussil as much as you do the attorneys.

The Honourable Mr. P. A. Desai:—Hear, hear.

The Honourable Rao Bahadur G. K. Sathe:—I am not going to accept that view. Besides it must be fairly conceded that this did not occur to us. This was a special privilege which was extended to us by the Honourable the Advocate General after giving due consideration to the status of pleaders in the mofussil; if this right was conceded on such deliberate consideration to us, mofussil pleaders, unanimously by the select committee then it would not be well to take away that right now.

Besides what is the harm which is going to be done to the clients? In case a pleader exercises his right of lien and keeps the papers and the money recovered by him, it is not the case that the client is left without any remedy. He can go to a court of law and question the right of the pleader to retain the documents and retain the money which was recovered by him in execution proceedings. If he succeeds he gets all the costs from the pleader, and I am quite sure the pleaders will not like to place themselves in such a predicament. On these grounds, I do not think that this amendment is one which this Council should accept.

The Honourable Mr. P. A. Desai:—Your Excellency,—I rise to oppose the amendment which has been proposed by the Honourable Mr. Sethna. It appears from the remarks made by him that he has no confidence in the pleaders in the mofussil. This right which is conferred by the present clause 30 has been enjoyed by Bombay attorneys for a century, and I cannot understand why the same privilege should not be extended to the pleaders. The matter, as we have heard from the remarks made by the Honourable Rao Bahadur Sathe, was discussed in the select committee, where the Honourable the Advocate General was present to safeguard the interests of Government, of the public and also of the pleaders. If after mature consideration it was thought that this provision was reasonable, I cannot understand how all of a sudden it comes in the mind of the honourable member who moves this amendment to get it deleted. I say, what proof is there to say that the pleaders in the mofussil will not safeguard the interests of the clients? Is there any complaint made? And if the attorneys are enjoying that privilege for several years, why should that privilege not be extended to pleaders in the mofussil? And what does this privilege mean? It simply means that if money is really due to a pleader, he has a lien on the papers which are in his hands, and also if there is any movable property recovered in the execution of a decree, then the pleader has his lien on that property. Suppose there is disagreement between the pleader and the client. The pleader says Rs. 500 is due to him, and the client says Rs. 5 is only due to him. It is open to the client to go to the civil court and get his money and papers. But why should the pleader when he has got the papers and money with him be compelled to go to a civil court and saddle the costs on the client? If you make it obligatory on the pleader to go to a civil court, it means that if he is successful, the costs of such suit would be saddled on the client. I, therefore, submit that as no client has come to this Council to make a complaint in this matter, and as the matter has been fully considered in the select committee by the Honourable the Advocate General and other members, this amendment is most unreasonable, and I, therefore, strongly oppose it.

The Honourable Rao Bahadur S. D. Garud:—Your Excellency,—I beg to oppose the amendment proposed by my honourable friend Mr. Sethna. I wonder where he got his inspiration from to move this amendment. He was a member of the select com-

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mittee, where the matter was fully discussed by the Honourable the Advocate General and other members, and I do not know why he rises now to move this amendment. I think the Honourable Mr. Sethna knows that even a trader has a lien on the property of his customer. Why should not a pleader be allowed to have a lien on the documents for which he has passed a receipt? If inadvertently he has passed no receipt, he will have no lien, but for documents for which a pleader has passed a receipt, of which the client is aware, I do not see why he should not have a lien. It is a practice to do it; it is even done now with the consent of the client. The pleaders ought to have a lien on the moneys they recover and they ought not to be asked to hand over all the moneys back to the client before they recover their own taxed costs. I submit, therefore, that the amendment moved is not of a character which, so late in the day, should be accepted by this Council.

The Honourable the Advocate General (Sir T. J. Strangman):—Your Excellency,—I confess I can see no ground whatever for the Honourable Mr. Sethna's apprehensions. Now, the suggestion is, as I understand it, that if this clause stands, pleaders in the districts may be guilty of extortion. In the first place, I refuse to believe that pleaders in the districts belong to a class which is likely to commit extortion. But apart from that, I cannot see, even assuming a pleader did want to extort, how this clause would assist him to do so. The provisions of this clause do not enable him to retain documents or to retain moneys for anything which he may say is due. They merely enable him to retain documents or moneys in respect of costs which have been or which are capable of being taxed and to the extent only of those costs as taxed. Therefore, so far as I can see, there is no ground whatever for assuming that this clause will give rise to extortion. For the Honourable Mr. Sethna's information I should just like to point this out that, so far as sub-clause (*b*) is concerned, the pleaders will get every right which an attorney now gets. So far as sub-clause (*a*) is concerned, the pleader will not get quite what the attorney gets in two respects. In the first place, the pleader's lien will be confined to documents which have come into his possession in connection with the matter to which the bill relates, whereas in the case of an attorney he has a general lien in regard to all documents come into his possession, no matter what the proceedings or matter may be to which they relate. And in the second place the lien will be confined to documents for which the pleader has given a receipt. In these circumstances, it appears to me that there is an ample safeguard for the client and at the same time a very fair provision in favour of the pleader.

The Honourable Sir G. Carmichael:—Your Excellency,—I am very grateful to the Honourable Mr. Sethna for having moved this amendment which has led to a very interesting discussion in this Council. The Honourable Mr. P. A. Desai, I think it was, said that no oppressed client had come to seek relief at the hands of this Council. It was quite open to the Honourable Mr. Sethna to move his amendment if he felt that there was any likelihood of a client being oppressed hereafter. The Honourable Mr. Sethna has taken up the case of the client and he has stated it very clearly. From the discussion, however, which has taken place in this Council it is quite clear that there is no great danger of the client suffering any injustice in this matter. There is one reason why I am in favour of this particular provision, and that is that I hope it will help indirectly the establishment of businesslike relations between the client and the pleader in the matter of documents. The lien is given only for documents for which the pleader has given a receipt, that is, the more important of them. I was very strongly in favour in the select committee of providing for a grant of receipt for all documents, but it was represented to me that that would be an impossibility because it would involve the pleader in ordinarily good practice keeping a staff of clerks to list and give receipts for the numerous documents received by him. So the compulsory giving of a receipt was abandoned and instead it was made optional, but in this matter of a lien on the documents the provision has been so devised that it will encourage the granting of receipt for important documents. Government wish to leave this matter entirely to the Council.

The Honourable Mr. Phiroze C. Sethna:—Your Excellency,—I have been taken to task by some of my honourable friends for moving this amendment although the matter was considered in the select committee and although the provision was favoured by the Honourable the Advocate General. I think, I said, sir, that we owe this provision to the Honourable the Advocate General. On a fuller consideration and considering the interests of the clients I am now of opinion that this clause will place too great a power in the

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hands of the pleaders. The Honourable the Advocate General, as I understood him to say just now, observed that the pleader will only have a lien on the documents in so far as the amount of the taxed costs is concerned. But, sir, whether in practice this will be so or go much further, as I fear it will, remains to be seen. I know of a recent case in this very city where an honourable member of this Council has had frequently to run up from Bombay just because his case was postponed time after time for the convenience of the pleaders on either side and to the great inconvenience and annoyance of the party. Now it may happen that when the costs are taxed and the taxing master has not awarded costs for each postponement, the pleader may harass the party and not part with the documents until he has got from the party what extra amount the court has not awarded. I contend, sir, that the pleader has got all that he wants by clause 29. Clause 29 gives him the privilege of having his costs taxed. Once the costs are taxed, he can obtain a certificate to that effect and as soon as he presents the certificate, the client is bound to pay, whether the documents are with him or with the pleader. In view of this, the clause under consideration namely, clause 30, might well be deleted.

The amendment was then put to the vote and lost, 15 members voting for and 21 against. The Council divided as follows:—

AYES.	NOES.
The Honourable Mr. Salebhoy Karimji Barodawalla.	The Honourable the Advocate General (Sir Thomas J. Strangman, Bar-at-Law).
The Honourable Mr. G. W. Hatch, I.C.S.	The Honourable Mr. Ali Gohar Bhutto, son of Ghulam Murtaza, Bar-at-Law.
The Honourable Mr. J. D. Jenkins.	The Honourable Mr. Rupchand Bilaram, LL.B.
The Honourable Major-General W. E. Jennings, M.D., I.M.S.	The Honourable Mr. J. G. Covernton, C.I.E.
The Honourable Mr. H. S. Lawrence, C.S.I., I.C.S.	The Honourable Mr. Pandurang Anant Desai, LL.B.
The Honourable Mr. H. P. W. Macnaghten.	The Honourable Rao Saheb Harilal Desaibhai Desai, LL.B.
The Honourable Khan Bahadur Pir Baksh walad Mian Mahmud, C.I.E.	The Honourable Mr. R. E. Enthoven, C.I.E., I.C.S.
The Honourable Mr. Chunilal Vijbhukhandas Mehta, LL.B.	The Honourable Major C. Fernandes, M.D., F.C.P.S., I.M.S.
The Honourable Sir Dinshaw Manockjee Petit, Bart.	The Honourable Rao Bahadur Siddhanath Dhonddev Garud.
The Honourable Mr. Munmohundass Ramji.	The Honourable Dewan Bahadur Kashinath Ramchandra Godbole.
The Honourable Mr. L. Robertson, C.S.I., I.C.S.	The Honourable Sheikh Ghulam Hussein Hidayatallah, LL.B.
The Honourable Mr. C. N. Seddon, I.C.S.	The Honourable Sardar Gulam Jilani.
The Honourable Mr. Phiroze C. Sethna, O.B.E.	The Honourable Mr. Balkrishna Sitaram Kamat.
The Honourable Mr. Shridhar Balkrishna Upasani.	The Honourable Mr. Lalubhai Samaldas Mehta, C.I.E.
The Honourable Mr. M. de P. Webb, C.I.E., C.B.E.	The Honourable Sardar Shriniwas Coopooswami Mudliar.
	The Honourable Rao Bahadur Venkatesh Shriniwas Naik.
	The Honourable Mr. Raghunath Purshottam Paranjpye.
	The Honourable Mr. Gokuldas Kahandas Parekh, LL.B.
	The Honourable Rao Bahadur Ganesh Krishna Sathe.
	The Honourable Mr. Purshotamdas Thakurdas, C.I.E., M.B.E.
	The Honourable Mr. Harchandrai Vishindas, C.I.E., LL.B.

Clauses 30 to 34 were then severally put to the vote and carried.

Schedule I and schedule II were then severally put to the vote and carried.

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His Excellency the President:—Amendment No. 17, Schedule III. The Honourable Mr. Kamat.

The Honourable Mr. B. S. Kamat:—Your Excellency,—The amendment which I propose to move is as follows:—

In Schedule III, Rules for computing the pleader's fee, at the end of Rule 1 (c) after the words 'on the remainder at ½ per cent.' add the following:—'Provided that in no case shall the fee exceed Rs. 750, irrespective of the amount or value of the subject matter in dispute in any proceeding'.

We have had so far various amendments in the morning, mostly from my lawyer friends. In fact, we have had a lawyers' day. I venture, in my amendment, to place before the Council a small suggestion in the interests of the litigants, and I trust my amiable friends in the Council belonging to the lawyers' profession will look on my amendment, not from the point of view of rupees, annas, and pies, but from the broader point of view, namely, what the reasonable cost of litigation should be to the general public.

The amendment which I place before the Council is with respect to schedule III, namely, the scale of fees to be paid to the pleaders as against the clients. The schedule lays down a certain graduated scale, commencing from Rs. 2,000 as the subject matter in dispute up to Rs. 20,000, and beyond Rs. 20,000 the scale provides that the pleader's fees shall be computed at ½ per cent. My amendment is that there should be a limit placed on the lawyer's fees, and that limit I propose as Rs. 750, which is the equivalent of what the fees would be as leviable on a suit the subject matter in dispute of which may be Rs. 1,00,000 or so. The justification for this suggestion, sir, is that in various suits where the subject matter in dispute is very heavy, say Rs. 4,00,000 or more, the trouble to the pleader and the exertions which he has to make either in drafting a plaint or in arguing the issues before the court, are not in direct ratio to the value of the suit. In fact, in various cases, I have noticed that in suits say for Rs. 5,00,000 the issues are very simple. The trouble that the pleader has in conducting the case is very little, and I do not think it stands to reason that the computation of fees should proceed at the rate of ½ per cent. beyond Rs. 20,000 *ad infinitum*. It is desirable, in my opinion, in the interests of litigants, to place a maximum limit somewhere, and that, I suggest, as Rs. 750, and I trust that the Council will accept this suggestion.

The hardship to the client does not end here. In execution proceedings, according to rule No. 4, the fees to be paid are to be one-fourth of the original fees, so that, if in the first instance the original fees are very heavy, then the client has to pay also very heavy fees, namely, one-fourth of the original fees, even in execution proceedings; so that, there is a double hardship entailed upon the party, especially if the case is lost by the party and costs are awarded to the adversary. I, therefore, think that it is desirable to place a limit somewhere, and I suggest that that limit should be Rs. 750 as the maximum fee which the pleader can charge against a client, whatever the value of the subject matter of the suit may be above Rs. 20,000.

The Honourable Rao Saheb H. D. Desai:—Your Excellency,—I oppose this amendment, and for very good reasons. The Honourable Mr. Kamat says that he has moved this amendment in the interest of litigants. But there are litigants and litigants. Of course litigants of the cultivating and poorer classes will not be saved by his amendment. If he had moved an amendment to keep the scale as it has been up to now, then they would have had some benefit, as they would have had to pay less as taxed costs. But it is the capitalist litigant, the rich litigant, in whose favour he has moved this amendment, and I see no reason why such a personage should have any pity from this Council. There will hardly be one case in a hundred where cultivators and other people from the countryside will have to pay a fee of Rs. 750. But big Government contractors or big merchants and other rich people who go in for litigation are the people in whose interests this amendment is brought forward, and as I do not think that it is in the interests of the ryot, there is no reason why the Council should accept the amendment.

The Honourable Sheikh Ghulam Hussein Hidayatallah:—Your Excellency,—Since this afternoon, pleaders have been hard hit, and on the top of it, here is an amendment of my honourable friend Mr. Kamat which prescribes a maximum for their fees. I do not wish to take much time of the Council. My friend the Honourable Rao Saheb Desai has already replied to the arguments which he has put forward. But I object to this amendment on principle. This amendment, if it is accepted, will interfere with the rights of the pleaders. Pleaders openly bargain with a client, whether he be rich or poor. Why should a maximum be prescribed for them. The question of fees is a matter for the

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client to decide. If he does not want to pay higher fees, he may not engage that pleader. Therefore, I submit that on principle this amendment will interfere with the rights of pleaders. I therefore oppose the amendment.

The Honourable Rao Bahadur G. K. Sathe:—Your Excellency,—I oppose this amendment on a very different ground. Under clause 17, which was just passed, a pleader has the right to settle any fees by private agreement. If that is so, how is the Honourable Mr. Kamat going to benefit the clients for whose benefit he has brought forward this amendment. Supposing the amendment is carried, and the maximum is fixed at Rs. 750, there is nothing in the act itself to come in the way of a pleader charging fees in excess of Rs. 750, by entering into an agreement with his client under clause 17. For these reasons, and for the reasons given by my honourable friend Rao Saheb Harilal Desai, I oppose this amendment.

There is one more point. The Honourable Mr. Kamat calculates the pleader's labours in rupees, annas and pies. But he forgets that in cases of injunctions and other cases of easement where the costs are little, a pleader has to do more work for the money he gets from the client, and it is not to every individual case that one has to look and see whether a pleader gets the exact return for the labour he bestows on the case in hand. If he gains in one, he loses in another, and it is on that ground that no maximum has been fixed by the select committee. There was no maximum even in the old regulation. On these grounds I oppose the amendment.

The Honourable Sir G. Carmichael:—Your Excellency,—Personally, I am not, and I think Government are also not, in favour of attempting to regulate profiteering by the pleaders by legislation in the way in which the Honourable Mr. Kamat recommends. After the treatment which this amendment has received at the hands of honourable members, particularly the knock-out blow given by the Honourable Rao Bahadur Sathe, I do not think I need say much in opposing the Honourable Mr. Kamat's amendment. It seems to me that what the Honourable Rao Bahadur Sathe has pointed out, namely, the passing of clause 17 of the bill, makes any proposal regulating the limit of the amount of pleaders' fees under this schedule quite impracticable.

The Honourable Mr. B. S. Kamat:—Your Excellency,—The very fact that all the three honourable members who opposed my amendment belong to the legal profession, is a sufficient answer to the reasonableness of my amendment. I am carrying the principle of the graduated scale to its logical conclusion. I only say that if when we come to Rs. 20,000 we reach a half per cent., at Rs. 1,00,000 and beyond it should reach the vanishing point. That is all I have to suggest. I think my suggestion is a very logical one, and I hope it will be accepted.

The amendment was put to the vote and lost.

His Excellency the President:—Amendment No. 18, Schedule III. The Honourable Mr. S. B. Upasani.

The Honourable Mr. S. B. Upasani:—May it please your Excellency,—My amendment runs thus:—

In schedule III, Rule 4, after 'one fourth' add 'in contested and one-eighth in other cases'.

Rule 4, as it is, provides that in execution proceedings the pleader's fee to be allowed shall be one-fourth of the fee calculated at the rates specified in rule 1 on the amount or value of the relief or money claimed in the application to execute the decree. Under the existing law no separate fee is allowed in execution proceedings, and the pleader has to appear in such proceedings until the whole decree is executed. Now, under the amended law the pleader's liability to appear ceases with the decision of the suit, and for every execution proceeding he will have to put in a fresh vakalatnama, and charge fresh retaining fee and pleader's fee. As we all know, the decrees of our courts are not executed expeditiously. In fact, it takes a number of execution applications to complete the execution of a decree. A glance at the figures of the disposal of execution applications for 1917 will show that there were in all 183,763 applications for execution presented to the court during that year, and of them only 31,199 were satisfied in full, 33,920 satisfied in part, 553 transferred to other courts, and not less than 76,166 were wholly infructuous. That is, more than 54 per cent. of the applications did not bring in anything at all in execution. So, if we take these figures into consideration, it will appear that the cost of recovery in execution proceedings is already exorbitant. That being the case, it is necessary that the additional fees which will have now to be paid to pleaders for appearing in

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these cases should be kept down as far as possible. These applications are generally in printed tabular form and beyond filling a few entries in the forms, not much has to be done. I, therefore, propose that in cases where there is no contest, the fee should be one-eighth and in contested cases it should be one-fourth. This, I think, will meet the interests of the pleaders, and at the same time it will show some consideration for the interests of the litigant party, on whom the new burden is going to be imposed. Considering that the number of applications is 183,763 in one year, this new provision will impose a burden of Rs. 1,83,763 for retainer at Rupee 1 in each case and of Rs. 91,881 for stamp for vaklatnama at annas 8 in each case, in all Rs. 2,75,644 besides the additional one-fourth pleaders' fee which will be charged on the value of the relief sought in all cases even if there be no contest.

The Honourable Sir G. Carmichael:—Your Excellency,—Schedule III in which the fees are stated was drafted by the High Court after full examination of the special conditions and full enquiry of all the District Judges. It seems to me that it would be inappropriate to make a change in what was deliberately recommended by the High Court. I do not think any case has been made out by the Honourable Mr. Upasani in support of his amendment, merely because the cases that are not contested do not involve a considerable amount of work. I think, this Council should accept what the High Court has recommended as a reasonable and adequate scale of fees.

The Honourable Mr. S. B. Upasani:—Your Excellency,—No doubt we have to pay due regard to the opinion of the High Court, but I think, we cannot ignore our own experience and knowledge of the actual conditions in the mofussil. I am afraid that in Bombay all things are looked at from a magnified point of view, whereas the conditions prevailing in the mofussil do not appeal as adequately as they should. The mass of the population in the mofussil is too poor to pay even the present costs. The costs are more than 12 per cent. as they stand, and, I think, this further addition would make them 20 per cent., if not more. To recover Rs. 100 they should not be made to pay so large a proportion. Now, when pleaders do not get any additional fee for appearance in execution proceedings, I do not think they should be allowed it at the rates proposed in the bill. Additional retainer and vaklatnama are altogether unnecessary. It is no good for a party to get a paper decree. It is on the amount recovered in execution that the cost of litigation should be charged, and if double fee is to be paid to the same pleader for appearing in the suit and in execution proceedings, it will be a great hardship, and the hardship will be the greater when rule VI of schedule III as regards minimum fee is enforced. I, therefore, leave it to the Council to accept my amendment.

The amendment was put to the vote and lost.

His Excellency the President:—Amendment No. 19, Schedule III. The Honourable Mr. S. B. Upasani.

The Honourable Mr. S. B. Upasani:—Your Excellency,—The amendment which I propose is that:—

"In schedule III, Rule VI (b) insert 'rupees ten' after 'or'."

I propose this with a view to reduce, if possible, the double hardship that I have just pointed out in moving my last amendment. In fact, I should prefer the Council omitting Rule VI entirely after the provision that has already been made for higher fee both in the original litigation and also in execution proceedings under rules I to V of the schedule. The rule, as it stands says:—

> "In no case, whether specifically provided for in this Schedule or otherwise, shall the pleader's fee payable in any civil suit, appeal, application or proceeding be less than
>
> (*a*) Rs. 30 in the High Court,
>
> (*b*) Rs. 15 in the District Court or in the Court of a Subordinate Judge,
>
> (*c*) Rs. 5 in any Court in suits of the nature cognizable by a Court of Small Causes, or in the Court of a Jagirdar or Inamdar exercising jurisdiction under Bombay Regulation XIII of 1830 and Act XV of 1840, or in the Court of a Mamlatdar under the Mamlatdars' Courts Act, 1906."

Your Excellency will notice that out of the total number of 150,223 suits filed in our courts in 1917, the claim exceeded Rs. 500 only in 12,449 cases. The value of the claim did not exceed Rs. 10 in 11,188 suits, Rs. 50 in 56,851 cases, Rs. 100 in 33,485 suits and Rs. 500 in 42,124 suits, Rs. 15 would have been chargeable only on claims of Rs. 300,

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and yet it is the minimum provided for all cases in the subordinate judge's court whatever the value of the claim may be. I do not know why there should be a minimum provided at all when a sufficiently high scale of fee is provided under rules I to IV. In the select committee I have no doubt that the interests of the pleaders were strongly represented; and if the interests of the poor litigants had been as strongly represented, all these facts indicating the excessive incidence of the fees would have been pointed out and taken into consideration by the select committee. I think, in the interests of the litigating public some consideration as I have suggested ought to be shown to them. The provision contained in Rule VI, of Schedule III will enhance the hardship particularly in the case of execution applications, and if the small limitation which I propose is adopted, it will afford some relief against the excessive burden that is sought to be imposed under the double operation of rules I to V and of rule VI of the schedule.

The Honourable Sir G. Carmichael:—Your Excellency,—The Honourable Mr. Upasani says this point was not considered in the select committee. I must point out that we went into the schedule very carefully. It is rather inappropriate for the honourable member to bring his motion forward now. If he had suggested it at the first reading of the bill, then the select committee would have given more careful attention to his proposal. There is no particular reason why there should be a distinction between the district court and subordinate judge's court. The distinction is properly drawn between the High Court and the district or subordinate judge's court, and the court of small causes where small causes are taken. The subordinate judge may have very important cases to try.

The Honourable Mr. S. B. Upasani:—Your Excellency,—The matter is an important one and should not, I think, be ignored. Besides that, at the first reading of the bill the question was discussed, and I pointed out that the costs should be kept down as far as possible.

The amendment was put to the vote and lost.

Schedule III was then put to the vote and carried.

The preamble was then put to the vote and carried.

His Excellency the President:—A Bill to consolidate and amend the law relating to pleaders in the Presidency of Bombay (Bill No. VI of 1920). Third Reading. The Honourable Sir George Carmichael.

The Honourable Sir G. Carmichael:—Your Excellency,—I beg to move that the bill be read a third time and passed into law.

The Honourable Sir G. Carmichael moves the third reading of the bill.

Bill read a third time.

The motion for the third reading of the bill was put to the vote and carried.

BOMBAY TOBACCO BILL.

His Excellency the President:—I find that I was misled this morning into making an error of ruling over the question of the Tobacco Bill. Under the existing peculiar constitution, which will be changed in the new councils, I find that Government is not empowered to drop its own bill without the sanction of the Council. The motion for the withdrawal of the bill, therefore, has to be moved formally, and honourable members will be entitled to speak on it.

The Honourable Mr. G. S. Curtis:—Your Excellency,—I beg to move that the bill to amend the law relating to the duty payable on tobacco and to the import, transport, retail sale and warehousing thereof in the city of Bombay, Bill No. IV of 1919, be withdrawn.

The Honourable Mr. Purshotamdas Thakurdas:—Your Excellency,—I have to express my sincere appreciation of the opportunity that your Excellency has given to me to reopen this question. I must say that I myself expected, before I came to the Council Hall this morning, that the bill would be withdrawn, but I did not expect the bill to be withdrawn for the purpose of this Government giving a free hand to the new Minister in a subject which is a most difficult subject and to deal with an act that has been standing over for the last 62 years. The act which the bill has been drafted to amend was passed in about 1857, and constant efforts were made ever since then to change the act, and to remedy the various defects that were found in the act. Very unfortunately that has never been done, and now the amendment having been before this Government for more than about 14 months, it is very unfortunate that Government should not see their way to make any final effort to do away with the many eccentricities and annovances that are

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caused by the act, and that they should propose to leave it as a legacy—a legacy which I am sure would be a very unfortunate legacy—to the new councils.

I propose, sir, with your permission, to tell the Council, as briefly as I possibly can, how incumbent it was upon your Excellency's Government to dispose of this enactment, and how unfortunate is the decision, which is much to be regretted by this Council, that Government are not, at this session of the Council when 13 pieces of legislation are being passed, in a position to pass this particular bill. In order to show the importance of dealing with this legislation without any delay, I will only read to the Council two short paragraphs from a letter written by Mr. H. O. Quin, Commissioner of Customs, Salt and Abkari in 1914. This is what he says :—

> "Stated briefly the case against the present system seems to amount to this. The wholesale trade is in the hands of a small and exclusive ring, the retail trade is carried on by persons of poor position, the majority of whom are financed by the ring, and that consequently this small number of wholesale dealers controls entirely the prices and all other details in connection with the tobacco trade. The result is high prices and exceptionally small consumption with unduly large profits to the wholesale dealers who pay nothing for the value of the monopoly which they enjoy. Furthermore, the condition of the retail dealers is very miserable as they are being ruthlessly exploited by the wholesale men who have them completely under their thumb."

That, sir, was the opinion expressed by Mr. Quin, the Commissioner of Customs, Salt and Abkari in 1914. In publishing the amendment bill which is now proposed to be withdrawn to-day, the Honourable Member in Charge stated in the Statement of Objects and reasons as follows :—

> "This act is very antiquated and contains certain harassing restrictions regarding the sale of tobacco and its removal from one place to another in the city. Members of the tobacco trade have made representations from time to time regarding these restrictions, and the Commissioner of Customs, Salt and Excise has also pointed out defects in the working of the act."

It is for this reason that Government undertook the amendment of the act. Besides this the tobacco trade both European and Indian have been constant in their complaint regarding the various hardships and harassments caused to the trade by the restrictions imposed on the trade by this Act of 1857. Mr. Logan, the Commissioner of Customs, Salt and Excise, in 1908, says :—

> "At present, although tobacco is not like liquor, a thing which by its own nature requires elaborate control, the restrictions on the trade appear to exceed those on foreign spirits (which can be transported freely) and even to some extent on country spirit, where transport and sale licenses are annual."

So much then, sir, as regards the restriction on the tobacco trade by means of the present enactment the amendment to which is going now to be withdrawn by Government. The two sections of the trade that are interested in this legislation are the Indian section of the trade which is interested in the country tobacco, and the other is the European section which is interested in the imported tobacco. There is a long letter in the file that I hold in my hand, from the Director of the British American Tobacco Company, Limited, in which he protests very strongly against the system. I do not propose to read that letter to the Council. If honourable members will refer to that letter they will see how the present system reacts against the country tobacco. A reference also to my minute of dissent which is placed on the table among other papers will show that country tobacco trade pays on an average 50·06 per cent. as duty and the foreign tobacco pays 6·22 per cent. as duty. That by itself, I should have thought more than sufficient cause for your Excellency's Government to take this amendment, whatever your Excellency's Government might have deemed proper, of the Act of 1857. But this is not all. The restrictions on the country tobacco are many and most annoying and are such as would not be convenient to the better class of people.

His Excellency the President :—I should like the honourable member to realize that he is not entitled to discuss the whole field of the Tobacco Bill. He is entitled to say why it should not be withdrawn but he is not entitled to go into the whole field as in the second reading of the bill.

The Honourable Mr. Purshotamdas Thakurdas:—I am only putting before the Council the reasons why Government ought not to withdraw this bill, or that the Council should not agree to the withdrawal of the bill, in the manner that the Honourable Member in Charge wishes to do. If Government give an undertaking that they will, before the

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end of this year, settle with the corporation this question, and as soon as the new Council comes into existence will take up the matter, I would most willingly, to save time, withdraw my objection to the withdrawal of the bill. But, if it is proposed to leave this to the Minister, I certainly say that I am entitled to tell the Council how it is detrimental to the tobacco trade.

The Honourable Mr. G. S. Curtis:—I have already pointed out that excise under the reforms will be a transferred subject and it is always open to honourable members to move private bills.

The Honourable Mr. Purshotamdas Thakurdas:—I am very sorry that Government should have chosen this particular enactment for the purpose of handing it over to the Minister. I am trying to make out a case to show why this legislation should have been handled earlier than any other subject. When we are passing 13 pieces of legislation, this bill ought not to be allowed to be withdrawn without any sort of undertaking by Government as to the future of the legislation. If your Excellency rules that I am not allowed to go into all these reasons I cannot help it.

His Excellency the President:—I only want the honourable member to confine himself to the subject of the motion to withdraw this bill. I am directing the honourable member's attention to the channel of thought in which the debate should run.

The Honourable Mr. Purshotamdas Thakurdas:—The defects in the act are so many that I may have to touch upon all of them, and I will do it as shortly as I can. To the list of questions and answers of the 18th September 1919 there are attached two forms of licenses, one for country tobacco and the other for foreign tobacco. I will not read the conditions, but I will show that the one attached to the foreign tobacco has no restrictions at all, while as regards the country tobacco there are so many restrictions that a man, if he takes a license, has practically to be at the beck and call of the excise department. I put a question to Government on the point and the reply was that the question is not admissible.

The Honourable Mr. G. S. Curtis:—If this bill had come on for second reading we should have had the report of the select committee which the honourable member has signed, and it would have shown to this Council that excepting a few alterations the honourable member had supported the bill. And I do not think the honourable member is in order in going beyond the report of the select committee. The honourable member has proposed no amendments.

The Honourable Mr. Purshotamdas Thakurdas:—May I request the Honourable Member in Charge to read paragraph 4 of my minute of dissent. That is what just I thought, that the Council may overlook it. What I have said there is:—

> "In view of all this I think it is necessary for the Council to refer this bill back to the select committee with instructions that they communicate through the Government with the corporation in the light of the various evils resulting from the continuation of the tobacco duty on the lines of Act IV of 1857, and devise some other practical method by which the corporation may get their approximate revenue, etc."

If the Honourable Member in Charge will refer to this he will certainly find that I am not going an inch out of the position that I took up then, and I sent in an amendment to that effect and was told that the bill is to be postponed, and it has been postponed from session to session, and now, when we are quite at the fag-end of this Council, we are told that it may be allowed to be withdrawn.

[His Excellency the President at this stage withdrew and the Honourable the Vice-President (Sir G. Carmichael) occupied the chair].

As I said, I myself wanted the bill to be withdrawn, and I expected the Honourable Member in Charge to withdraw it but certainly not as a legacy to the new Council. I submit that the tobacco trade should be relieved of all these inconveniences which are admitted to be harassing by the Commissioner and Collector of Customs.

The Honourable Mr. G. S. Curtis:—Will the honourable member illuminate us how, as Revenue Member, it is for me to arrive at an arrangement with the municipality?

The Honourable Mr. Purshotamdas Thakurdas:—I do not want to mention to the Council anything that happened between the officials of the departments of Government and myself. But what I proposed is that Government should arrive at an arrangement with the municipality by which tobacco duty should be treated as a town duty and that

BOMBAY TOBACCO BILL.

[27TH SEPTEMBER 1920.] [*Mr. Purshotamdas Thakurdas; Sir Ibrahim Rahimtoola; the Vice-President; Mr. G. S. Curtis.*]

this bill should be repealed at the next session. But the Honourable Member in Charge told us this morning that he proposed to leave this intact to the incoming Minister to deal with, and that is the position against which I protest very strongly. The other thing that the bill proposes to do as stated in the statement of objects and reasons is that it is proposed to legalize certain practices which have grown up under the existing act, and which are not legally justified by it. It would be seen that there are also merchants who have entered strong protests against the judicial and executive functions. Many of the practices are not warranted by the Act of 1857. Is not that enough reason why this bill should have been amended or withdrawn in good time for this Government to deal with it adequately before the administration passed on to some new hands? Over and above all this, when this bill came before the Council first, we had before the Council a petition from Rao Saheb Manaji Rajooji, where he quoted the opinion of Dr. Turner saying that the present system under which the women bidi-rollers had to work, seriously affected the health of a large number of this class who fell victims to pulmonary complaints.

The Honourable Sir Ibrahim Rahimtoola:—Mr. President,—I rise to a point of order. I hope the honourable member will not mind. The motion before the house is that the Council do allow the bill to be withdrawn. The honourable member is entitled to speak at any length he likes on the point, firstly, whether he agrees to the bill being withdrawn, or, secondly whether he wants the bill to be proceeded with. To my mind there is no third alternative. He can either say that he agrees to the proposed withdrawal or that he opposes it on the ground that he wishes the bill to be proceeded with. At present he is finding fault with the select committee's report; he does not appear to wish that the bill should be proceeded with as it stands, but he wants certain assurances for conducting negotiations with the municipality. This can hardly be regarded as relevant to the motion before the house.

The Honourable the Vice-President (Sir G. Carmichael):—Order, order. I think the Honourable Mr. Purshotamdas Thakurdas is in order in discussing what is going to happen if the bill is withdrawn.

The Honourable Mr. Purshotamdas Thakurdas:—Replying to the Honourable Sir Ibrahim Rahimtoola, may I point out to him that that is just the attitude which I very strongly protest against at this stage of the proceedings? At the last session of the Council the bill was postponed, and now at the very last session of the Council there is this proposal of withdrawing the bill. You suspend your standing rules and—

The Honourable the Vice-President (Sir G. Carmichael):—When I gave my ruling on the point of order, I thought I made it quite clear that the honourable member was in order in telling the Council what would happen if the bill were withdrawn.

The Honourable Mr. Purshotamdas Thakurdas:—May I ask the honourable member to oblige the Council with his reasons why this decision of Government was not announced at the last session and has been put off for announcement at the very last session of this Council? If it was announced at the last meeting, we then might have had an opportunity to move any amendments we considered necessary. Well, I say that if this Government wanted to stand by its responsibilities, they ought to have given full opportunity to the members before withdrawing the bill in this manner. Not having done that and having taken all this anxiety and trouble, now to hand to the Ministers this legacy of an antiquated act, so badly needing amendment all round, all that I can say, sir, is that the Council must regret the decision to which Government have come. There is still enough of time, sir. There are three months more. Why should not Government negotiate with the corporation still? Some of us at least expected that the Honourable Member in Charge would be able to come to some definite arrangement. Under the present act certain revenues are secured to the corporation. Government has got to stand by the arrangement which was arrived at in 1860. Is it not the duty of the Government now to see that the hardships are removed? And if it is only a question of meeting the corporation in the matter of revenues, it is only a matter of about 3½ lakhs of rupees, which there should not be much difficulty in providing for.

The Honourable Mr. G. S. Curtis:—Mr. President,—Really it is the first time to-day that I have heard from the Honourable Mr. Purshotamdas Thakurdas an indictment of this act. I may explain that Government is in a position of a third party. As far as possible I have been trying to make peace, as I say, between the municipality on the one hand and the tobacco trade on the other, and it has been impossible to arrive at any settlement. You will find from the printed report of the select committee that that report has been signed

BOMBAY TOBACCO BILL—DISTRICT POLICE BILL.

[Mr. G. S. Curtis; the Vice-President; the President; Sir G. Carmichael.] [27TH SEPTEMBER 1920.]

by the honourable member and he has accepted the opinion of the majority that Rs. 7-8-0 a maund should be retained as the duty on tobacco, and also clause 4 of the bill, which provides that all the receipts from this duty should be handed over in perpetuity to the municipality. The honourable member is perfectly right when he says that he has been aware that negotiations have been going on with the municipality and Government. Negotiations have been carried on and the matter has remained where it is. I do not think it will hurt anybody at all if the bill is postponed. I may add that I think the honourable member has not worked up his case. I may go further and say that I repeatedly asked him to support his case with facts and figures, but I do not think he has done so. Speaking as a Revenue Member, I may say that I have always been somewhat prejudiced against the act, and I am always ready and glad to receive and consider any information which the honourable member may furnish showing the existing situation and how it could be remedied. But so far there is not very much in this particular minute which would lead one to supopse that the act is a glaring piece of weakness. He is perfectly right in bringing out the fact that the duty is a very heavy charge on the poor man's luxury, but as regards the actual abuses which he has brought out, there is very little in his minute to justify what he has said. I would urge, therefore, that in my humble opinion the act is eminently one which is fit for consideration in the reformed Council. Government itself is not particularly concerned except in so far as it may be necessary to preserve the solvency of the Bombay municipality, which, after all, is not a matter of anxiety. The question really lies between the Bombay municipality on the one hand and the tobacco trade of Bombay on the other. If the tobacco trade of Bombay city headed by the honourable member can pursuade the reformed Council that the continuation of this system in its tyrannical form is undesirable, I feel sure that the matter will receive their best consideration. Full information has been obtained and calculations have been made as to the loss which is likely to ensue from the transfer of tobacco as a scheduled tax under this act to that of town duty, and the process of sweeping away of this act in the ordinary way will be an extremely simple matter. I would repeat, therefore, my motion that this bill be dropped and I ask permission to withdraw it.

The motion was put to the vote and carried.

A BILL FURTHER TO AMEND THE BOMBAY DISTRICT POLICE ACT, 1890 (BILL NO. X OF 1920).

The Honourable the Vice-President (Sir G. Carmichael):—A bill further to amend the Bombay District Police Act, 1890 (Bill No. X of 1920). Second reading.

This bill was referred to a select committee. The select committee have deleted clause 4 of the bill. Clause 4 provided for the prevention of smoking and spitting in public buildings. It followed a similar provision which was passed in this Council in a bill amending the City of Bombay Police Act. The committee on the present bill were of opinion that there was not at present any case for such a provision in the mofussil, because no complaints had been received of the nuisance against which this clause is directed. The remainder of the bill which provided for the appointment of separate superintendents of police for large cities was unanimously approved, as it stood, by the select committee. I beg to move the second reading of this bill.

The Honourable Sir G. Carmichael moves the second reading of the bill.

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

Bill read a second time.

The Honourable the Vice-President (Sir G. Carmichael):—The bill will now be read clause by clause.

Bill read clause by clause.

Clauses 1 to 3 were then severally put to the vote and carried.

[At this stage His Excellency the President returned and resumed the chair.]

The preamble was then put to the vote and carried.

His Excellency the President:—A bill further to amend the Bombay District Police Act, 1890 (Bill No. X of 1920). Third reading. The Honourable Sir George Carmichael.

The Honourable Sir G. Carmichael:—Your Excellency,—I rise to move that the bill be read a third time and passed into law.

The Honourable Sir G. Carmichael moves the third reading of the bill.

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

Bill read a third time.

RENT BILL—PORT TRUST BILL.

[27TH SEPTEMBER 1920.] [*The President; Mr. G. S. Curtis.*]

A BILL FURTHER TO AMEND THE BOMBAY RENT (WAR RESTRICTIONS) ACT, 1918, AND TO AMEND THE BOMBAY RENT (WAR RESTRICTIONS, No. 2) ACT, 1918 (BILL No. XI OF 1920).

His Excellency the President:—A bill further to amend the Bombay Rent (War Restrictions) Act, 1918, and to amend the Bombay Rent (War Restrictions, No. 2) Act, 1918. Second reading. The Honourable Mr. Curtis.

The Honourable Mr. G. S. Curtis moves the second reading of the bill.

The Honourable Mr. G. S. Curtis:—Your Excellency,—I beg to present the report of the select committee on this bill, copies of which have been placed on the table. There are three amendments to be made in clause 2; one, the effect of which is to substitute for the word "order" the words "date when possession has been obtained", because at times possession is not obtained till some time after the order has been passed. Another amendment is to restrict the application of the original tenant to 9 months within the date of such order; and the further amendment is to modify the provisions for payment of compensation so as to make it not payable except in cases where the premises were reasonably and *bonâ fide* required by the landlord for the purpose specified.

Clause 4 has been redrafted, and with regard to suits for rent, compensation for use and occupation or ejectment, a distinction has been laid down between houses of which the monthly rental is over Rs. 30, and those of which the monthly rental is under Rs. 30, and there is a modification of procedure which has to be followed.

I beg to recommend that the bill be read a second time.

Bill read a second time.

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

The Honourable Mr. G. S. Curtis:—Your Excellency,—The bill may now be read clause by clause.

Bill read clause by clause.

Clauses 1 to 4 were then severally put to the vote and carried.

The preamble was put to the vote and carried.

His Excellency the President:—A bill further to amend the Bombay Rent (War Restrictions) Act, 1918, and to amend the Bombay Rent (War Restrictions, No. 2) Act, 1918. Third reading. The Honourable Mr. Curtis.

The Honourable Mr. G. S. Curtis:—Your Excellency,—I beg to propose that the bill be read a third time and passed into law.

The Honourable Mr. G. S. Curtis moves the third reading of the bill.

Bill read a third time.

The motion for the third reading of the bill was put to the vote and carried.

A BILL FURTHER TO AMEND THE BOMBAY PORT TRUST ACT, 1879 (BILL No. XII OF 1920).

His Excellency the President:—A bill further to amend the Bombay Port Trust Act, 1879 (Bill No. XII of 1920). Second reading. The Honourable Mr. Curtis.

The Honourable Mr. G. S. Curtis moves the second reading of the bill.

The Honourable Mr. G. S. Curtis:—Your Excellency,—I beg to propose the second reading of the bill further to amend the Bombay Port Trust Act, 1879 (Bill No. XII of 1920). The report of the select committee is on the table. During the discussion it was elicited that the existing act makes inadequate provision for the construction and maintenance of waiting rooms for Indian passengers arriving by coasting steamers as well as for passengers arriving by steamers from overseas. In other respects also section 68 of the act was defective. The proposal, therefore, is to amend section 68 by the insertion of a new section (7A), with an explanation, which will provide for the equipment and maintenance of such buildings, including offices, quarters for officers and servants of the Board, waiting rooms and refreshment rooms, as may in the opinion of the Board be necessary for carrying out the purposes of the act. An explanation has been added that waiting rooms shall be deemed to include sleeping accommodation for passengers arriving or departing by sea and persons escorting or meeting such passengers. It is believed that this will provide accommodation on a reasonable scale, and that the inconvenience to

PORT TRUST BILL—BOMBAY CITY MUNICIPAL BILL.

[*Mr. G. S. Curtis; the President; Sir Ibrahim Rahimtoola.*] [27TH SEPTEMBER 1920.]

passengers which was referred to by the Honourable Mr. Macnaghten and the Honourable Mr. Webb will be avoided.

I beg, therefore, to move the second reading of the bill.

Bill read a second time.

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

The Honourable Mr. G. S. Curtis:—Your Excellency,—The bill may now be read clause by clause.

Bill read clause by clause.

Clauses 1 to 3 were then severally put to the vote and carried.

The preamble was then put to the vote and carried.

His Excellency the President:—A bill further to amend the Bombay Port Trust Act, 1879 (Bill No. XII of 1920). Third reading. The Honourable Mr. G. S. Curtis.

The Honourable Mr. G. S. Curtis: -Your Excellency,—I beg to propose that the bill be read a third time and passed into law.

The Honourable Mr. G. S. Curtis moves the third reading of the bill.

Bill read a third time.

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

A BILL FURTHER TO AMEND THE CITY OF BOMBAY MUNICIPAL ACT, 1888 (BILL No. XIV OF 1920).

His Excellency the President:—A bill further to amend the City of Bombay Municipal Act, 1888 (Bill No. XIV of 1920). First reading. The Honourable Sir Ibrahim Rahimtoola.

The Honourable Sir Ibrahim Rahimtoola:—Your Excellency,—I beg to move that a bill further to amend the Bombay City Municipal Act, 1888, be read a first time. This bill is not controversial. The Bombay municipal corporation, finding that they will require very large sums of money for their future capital needs, have had to consider the extent of the borrowing powers they possess under the act. Under the Bombay City Municipal Act, the borrowing powers of the corporation are regulated by the rateable value of the properties in the city. Working on that basis alone, there is ample margin for increased borrowing. All loans raised by local bodies are subject, however, to the previous sanction of the Government of India, and that Government, in the interests of the subscribers, investigate the financial position of each local body as regards its capacity for providing interest and sinking fund charges, before sanctioning them. In calculating the available resources of a local body, the Government of India wish to know what its present and potential income is. If out of their total resources, the current requirements can be met, and a sufficient margin is available to meet interest and sinking fund charges on the loans proposed to be raised, then alone the Government of India give their sanction. Under the existing act, the maximum rate of general tax is fixed at 12 per cent., and therefore, the potential income of the Bombay municipality is estimated as between the rate actually levied and the maximum rate that can be levied. Calculating the extent of their borrowing powers on that basis, the corporation has found that the available margin is inadequate to meet the growing needs for its capital expenditure. They have, therefore, asked that the maximum rate of general tax should be raised to 17 per cent., to give them sufficient margin to meet their future needs for capital expenditure. Government have considered this representation, and have come to the conclusion that the corporation have made out a good case and they have, therefore, introduced this legislation. The council will, I hope, agree to raise the maximum of the general tax to 17 per cent.

The Honourable Sir Ibrahim Rahimtoola moves the first reading of the bill.

With these words, sir, I beg to move that the bill be read a first time.

Bill read a first time.

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

His Excellency the President:—A bill further to amend the city of Bombay Municipal Act, 1888, Bill No. XIV of 1920. Second reading. The Honourable Sir Ibrahim Rahimtoola.

The Honourable Sir Ibrahim Rahimtoola:—Your Excellency,—I beg to move that the bill be read a second time.

The Honourable Sir Ibrahim Rahimtoola moves the second reading of the bill.

BOMBAY CITY MUNICIPAL BILL—BOMBAY CITY POLICE BILL.

[27TH SEPTEMBER 1920.] [*Sir Ibrahim Rahimtoola; the President; Sir G. Carmichael.*]

Bill read a second time.

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

The Honourable Sir Ibrahim Rahimtoola:—Your Excellency,—The bill may now be read clause by clause.

Bill read clause by clause.

Clauses 1 and 2 of the bill were then put to the vote and carried.

The preamble was put to the vote and carried.

His Excellency the President:—A bill further to amend the City of Bombay Municipal Act, 1888, Bill No. XIV of 1920. Third reading. The Honourable Sir Ibrahim Rahimtoola.

The Honourable Sir Ibrahim Rahimtoola:—Your Excellency,—I beg to move that the bill be read a third time and passed.

The Honourable Sir Ibrahim Rahimtoola moves the third reading of the bill.

Bill read a third time.

The motion for the third reading of the bill was put to the vote and carried.

A BILL FURTHER TO AMEND THE CITY OF BOMBAY POLICE ACT, 1902 (BILL No. XV OF 1920).

His Excellency the President:—A bill further to amend the City of Bombay Police Act, 1902 (Bill No. XV of 1920). First reading. The Honourable Sir G. Carmichael.

The Honourable Sir G. Carmichael:—Your Excellency,—I rise to move Bill No. XV of 1920, a bill further to amend the City of Bombay Police Act. This bill provides for a small measure of decentralization. It is intended to enable the Commissioner of Police to authorize the divisional superintendents of the city police to dispose of certain routine matters, and to issue over their own signature certain licenses and permits. The system of working, which it will allow, was in actual operation for some time, until it was discovered that it was not in accordance with the strict letter of the law. The work in the office of the Commissioner of Police has increased very largely of late, and it is essential to decentralize as far as possible. When the section which this bill proposes to amend was first enacted, the divisional superintendents of Police in the city of Bombay were not gazetted officers. But they have since been promoted to gazetted rank, and it is not out of place to entrust them with greater responsibility. I trust that the principle of the bill will commend itself to this Council, and that, in view of the urgency of the reform, this Council will not desire that the bill should be referred to a select committee.

The Honourable Sir G. Carmichael moves the first reading of the bill.

Bill read a first time.

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

His Excellency the President:—A bill further to amend the City of Bombay Police Act, 1902, Bill No. XV of 1920. Second reading. The Honourable Sir George Carmichael.

The Honourable Sir G. Carmichael:—Your Excellency,—With your Excellency's permission I beg to propose that the bill be read a second time.

The Honourable Sir G. Carmichael moves the second reading of the bill.

Bill read a second time.

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

The Honourable Sir G. Carmichael:—Your Excellency,—The bill may now be read clause by clause.

Bill read clause by clause.

Clauses 1 and 2 were put to the vote and carried.

The preamble was put to the vote and carried.

His Excellency the President:—A bill further to amend the City of Bombay Police Act, 1902, Bill No. XV of 1920. Third reading. The Honourable Sir George Carmichael.

The Honourable Sir G. Carmichael:—Your Excellency,—I now beg to move that the bill be read a third time and passed into law.

The Honourable Sir G. Carmichael moves the third reading of the bill.

Bill read a third time.

The motion for the third reading of the bill was put to the vote and carried.

BOILER INSPECTION BILL.

[*The President; Sir Ibrahim Rahimtoola.*] [27TH SEPTEMBER 1920.]

A BILL FURTHER TO AMEND THE BOMBAY BOILER INSPECTION ACT, 1917 (BILL No. XVI OF 1920).

His Excellency the President:—A bill further to amend the Bombay Boiler Inspection Act, 1917, Bill No. XVI of 1920. First reading. The Honourable Sir Ibrahim Rahimtoola.

The Honourable Sir Ibrahim Rahimtoola:—Your Excellency,—I beg to move that a bill further to amend the Bombay Boiler Inspection Act of 1917 be read a first time. When the act was passed, certain duties for the inspection of boilers were imposed upon the Collector of Bombay. It is now realized that some of these duties should be discharged by the Director of Industries instead of by the Collector, and this bill is introduced merely with the object of enabling Government to confer by notification such of the powers and impose such of the duties under the act on the Director of Industries as may be necessary.

The Honourable Sir Ibrahim Rahimtoola moves the first reading of the bill.

I hope honourable members will recognize that the question of inspection of boilers appertains more to the Industries department than to the Collector's department. This is merely an enabling piece of legislation, giving Government the power of imposing duties in the proper direction, and I trust that honourable members will agree to pass the bill.

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

His Excellency the President:—A bill further to amend the Bombay Boiler Inspection Act, 1917, Bill No. XVI of 1920. Second reading. The Honourable Sir Ibrahim Rahimtoola.

The Honourable Sir Ibrahim Rahimtoola:—With your Excellency's permission, I beg to move that the bill be read a second time.

The Honourable Sir Ibrahim Rahimtoola moves the second reading of the bill.

Bill read a second time. The motion for the second reading of the bill was put to the vote and carried.

The Honourable Sir Ibrahim Rahimtoola:—Your Excellency,—The bill may now be read clause by clause.

Bill read clause by clause.

Clauses 1 and 2 were put to the vote and carried.

The preamble was put to the vote and carried.

His Excellency the President:—A bill further to amend the Bombay Boiler Inspection Act, 1917, Bill No. XVI of 1920. Third reading. The Honourable Sir Ibrahim Rahimtoola.

The Honourable Sir Ibrahim Rahimtoola:—Your Excellency,—I beg to move that the bill be read a third time and passed into law.

The Honourable Sir Ibrahim Rahimtoola moves the third reading of the bill.

Bill read a third time. The motion for the third reading of the bill was put to the vote and carried.

His Excellency the President:—This Council will now adjourn till 11-30 a.m. tomorrow.

The Council then adjourned till 11-30 a.m. on Tuesday, the 28th instant.

By order of His Excellency the Honourable the Governor,

G. DAVIS,
Secretary to the Legislative Council
of the Governor of Bombay.

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Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Proceedings of the Council of the Governor of Bombay.

Journal of the Proceedings of the Legislative Council of the Governor of Bombay, assembled under the provisions of the Government of India Act, 1915.

The Council re-assembled at 11-30 a.m. on Tuesday, the 28th September 1920, at the Council Hall, Poona.

PRESENT :

His Excellency Sir GEORGE AMBROSE LLOYD, G.C.I.E., D.S.O., Governor of Bombay, *President.*

The Honourable Sir GEORGE CARMICHAEL, K.C.S.I., I.C.S., *Vice-President.*

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

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

The Honourable the Advocate-General (Sir THOMAS J. STRANGMAN, Bar-at-Law).

The Honourable Mr. SALEBHOY KARIMJI BARODAWALLA.

The Honourable Mr. ALI GOHAR BHUTTO, son of Ghulam Murtaza, Bar-at-Law.

The Honourable Mr. RUPCHAND BILARAM, LL.B.

The Honourable Mr. J. G. COVERNTON, C.I.E.

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

The Honourable Rao Saheb HARILAL DESAIBHAI DESAI.

The Honourable Mr. R. E. ENTHOVEN, C.I.E., I.C.S.

The Honourable Major C. FERNANDES, M.D., F.C.P.S., I.M.S.

The Honourable Rao Bahadur SIDDHANATH DHONDDEV GARUD.

The Honourable Dewan Bahadur KASHINATH RAMCHANDRA GODBOLE.

The Honourable Mr. G. W. HATCH, I.C.S.

SLAUGHTER OF CATTLE.

[*The President; Mr. Munmohundass Ramji.*] [28TH SEPTEMBER 1920.]

The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH, LL.B.
The Honourable Mr. J. D. JENKINS.
The Honourable Major-General W. E. JENNINGS, M.D., I.M.S.
The Honourable Sardar GULAM JILANI.
The Honourable Mr. BALKRISHNA SITARAM KAMAT.
The Honourable Mr. H. S. LAWRENCE, C.S.I., I.C.S.
The Honourable Mr. H. P. W. MACNAGHTEN.
The Honourable Khan Bahadur PIR BAKSH walad MIAN MAHMUD, C.I.E.
The Honourable Mr. P. J. MEAD, C.I.E., I.C.S.
The Honourable Mr. CHUNILAL VIJBHUKHANDAS MEHTA, LL.B.
The Honourable Mr. LALUBHAI SAMALDAS MEHTA, C.I.E.
The Honourable Sardar SHRINIWAS COOPOOSWAMI MUDLIAR, LL.B.
The Honourable Rao Bahadur VENKATESH SHRINIWAS NAIK.
The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE.
The Honourable Mr. GOKULDAS KAHANDAS PAREKH, LL.B.
The Honourable Sir DINSHAW MANOCKJEE PETIT, Bart.
The Honourable Mr. MUNMOHUNDASS RAMJI.
The Honourable Mr. L. ROBERTSON, C.S.I., I.C.S.
The Honourable Rao Bahadur GANESH KRISHNA SATHE, C.I.E.
The Honourable Mr. C. N. SEDDON, I.C.S.
The Honourable Mr. PHIROZE C. SETHNA, O.B.E.
The Honourable Mr. H. O. B. SHOUBRIDGE, M.Inst.C.E.
The Honourable Mr. PURSHOTAMDAS THAKURDAS, C.I.E., M.B.E.
The Honourable Mr. E. G. TURNER, I.C.S.
The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI.
The Honourable Mr. HARCHANDRAI VISHINDAS, C.I.E., LL.B.
The Honourable Mr. M. DE P. WEBB, C.I.E., C.B.E.

DISCUSSION OF MATTERS OF GENERAL PUBLIC INTEREST.

His Excellency the President:—Order, order. Resolutions. There are three resolutions on the same subject with regard to the exportation of cattle. I propose to take that standing in the name of the Honourable Mr. Purshotamdas Thakurdas—Resolution No. 15 on the paper—as being comprehensive of the other resolutions, and give other honourable members an opportunity of speaking on the same resolution. As the Honourable Mr. Purshotamdas Thakurdas is not here, I call upon the Honourable Mr. Munmohundass Ramji to move his resolution. Resolution No. 3. The Honourable Mr. Munmohundass Ramji.

The Honourable Mr. Munmohundass Ramji:—Your Excellency,—I beg to move the following resolution:—

> **This Council recommends to His Excellency the Governor in Council to take steps to prohibit the slaughter of young and useful milch and agricultural cattle in the Presidency with a view to save a useful economic and agricultural asset of the Presidency.**

If anything has attracted the greatest attention in these times of soaring high prices, it is the question of high and abnormal prices for all sorts of milk products. Milk products are a necessity to all the countries of the world, and we are familiar with the anxiety experienced in all the belligerent countries owing to the depleted stocks of milch and agricultural cattle and the high prices of milk products. Specially will this be considered in the nature of a calamity in a country like India, where people, and especially the vegetarian section of them, have been considering from times immemorial milk and ghee as their staple food of life, and where a country being agricultural, agricultural cattle are a great and vital necessity. The Council is familiar with the heavy drain on the existing resources caused by successive famines and, if I may be allowed to say so, by the export of cattle. To these factors is always added the indiscriminate slaughter of young and even pregnant milch and agricultural cattle at different slaughter-houses in the Presidency.

SLAUGHTER OF CATTLE—CATTLE QUESTION: COMMITTEE.

[28TH SEPTEMBER 1920.] [*Mr. Munmohundass Ramji; Mr. Purshotamdas Thakurdas; the President.*]

Neither I nor any of my colleagues in the Council would wish to come in the way of those of our fellow-citizens in the Presidency who require meat as one of their food items. What I contend is that the Government must interfere and put a stop to the indiscriminate slaughter of young and pregnant milch and agricultural cattle. The Calcutta Municipal Corporation has already adopted this expedient, and it will be a great boon to the Presidency of Bombay if the same expedient is adopted by our enlightened Government. I do not think that even those of our fellow-countrymen who require meat for their food will approve of a course of action which is calculated to deplete the Presidency of its reserve strength in the shape of milch and agricultural cattle and to increase still more the prices of the necessities of life like milk, butter and ghee. The figures given in a recent issue of the "Bombay Chronicle" with regard to the slaughter-house at Bandra are a sufficient index to the terrible loss the Presidency is suffering from such a slaughter carried on without any salutary check. The total number of cows slaughtered in 1909-10 was 37,863 which rose to 49,442 in 1913-14 and again went to 38,446 in 1915-16. The number of bullocks slaughtered in these years was respectively 6,017; 9,499 and 12,929, and the number of calves slaughtered in these years was 442; 1,488 and 2,854. After 1915-16 separate figures for cows, bullocks and calves are not available, but the total of these slaughtered in 1918-19 was 84,749, which means that the number of slaughtered animals has almost doubled in ten years. The total number of milch cattle in the Presidency of Bombay was 25,29,000 in 1919-20, and 28,43,000 in 1895-96, which shows that there is a decrease of 11·2 per cent. in 1919-20 as compared with 1895-96. While the population of cattle has thus decreased instead of having increased in 20 years, the huge slaughter of cattle to the extent of 84,000 in Bombay city alone annually must be considered appalling.

It is interesting to note in this connection that the attention of the committee appointed by Government to consider the measures for the provision of milk supply in the Bombay Presidency was drawn to the slaughter of prime buffaloes, and buffaloes which had calved not more than once or twice. The town *gowali* is seldom in a position to keep dry animals economically, and therefore it is that good milk buffaloes which under normal circumstances would continue to breed, go to the butcher. It was estimated by the committee that about 13,500 buffaloes from Bombay city were slaughtered in 1914-15. The Honourable Sir John Woodroffe also drew attention in his presidential address at the All-India Cow Conference, Calcutta, in December 1917, to the effect of the slaughter of prime cows and calves. He observed that this problem was peculiar to this country, as in Europe, America and the Colonies, no one thought of sacrificing good dairy cows. One of the remedies suggested is that Government should define the age at which dairy cows, and I may add buffaloes, can be slaughtered, fixing it with reference to the period when their milking capacity declines. His Highness the Nizam also, I may incidentally mention, has prohibited the indiscriminate slaughter of useful and economic animals in his State. With these remarks I beg to commend my resolution for the acceptance of the Council.

The Honourable Mr. Purshotamdas Thakurdas:—Your Excellency,—I understand that your Excellency has ruled that your Excellency will allow discussion only on one out of the three resolutions that stand on the agenda dealing with this same question.

His Excellency the President:—I had intended the wider resolution standing in the name of the Honourable Mr. Purshotamdas Thakurdas to be discussed first, so that the discussion on the other resolutions on the same subject namely, Nos. 3 and 4, may be included in the discussion of that resolution. But the honourable member was not in his seat, and I have therefore taken the resolution of the Honourable Mr. Munmohundass Ramji. If the honourable member considers Mr. Munmohundass Ramji's resolution sufficient for his purpose, I will take that as the wider resolution, but if the honourable member prefers to move his resolution, I will allow him to do so.

The Honourable Mr. Purshotamdas Thakurdas:—I am sorry I was not in my seat when the Council assembled, but I thought resolutions would not come up so soon for discussion.

As regards my resolution, if the Honourable Mr. Munmohundass Ramji does not mind, in view of your Excellency's ruling, may I suggest that my resolution may be allowed to be moved as an amendment to the Honourable Mr. Munmohundass Ramji's resolution. My resolution includes the purport of the two resolutions that stand in the name of the Honourable Mr. Munmohundass Ramji, and if my honourable friend does not mind, I would like to move my resolution as an amendment to the resolution moved by him.

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His Excellency the President:—I have no objection to that being done provided the Honourable Mr. Munmohundass Ramji agrees to it.

The Honourable Mr. Munmohundass Ramji:—Your Excellency,—I agree to the course proposed by the Honourable Mr. Purshotamdas Thakurdas.

His Excellency the President:—The Honourable Mr. Purshotamdas Thakurdas will then move his resolution as an amendment to the Honourable Mr. Munmohundass Ramji's resolution, and the Honourable Mr. Munmohundass Ramji, if he so desires, may speak on that motion.

The Honourable Mr. Purshotamdas Thakurdas:—Your Excellency,—I beg to move that—

> **This Council recommends to His Excellency the Governor in Council that the Government of Bombay do represent to the Government of India the necessity of a special committee of officials and non-officials being appointed to submit a comprehensive report regarding the condition of cattle in the whole of India and the advisability of devising checks on slaughter and export of cattle generally and of milch cattle in particular.**

I need hardly tell the Council how keen is the feeling that has been aroused lately throughout India on the question of cattle generally and especially with regard to the economic side of it, the feeling being accentuated by the sentimental keenness that is attached to the preservation of cattle generally amongst Hindus who form a majority of the people of India. My resolution, as your Excellency will perceive, is one that does not recommend any specific action being taken by Government either regarding a check on export or of slaughter of cattle. I have been trying to look up figures which would enable anybody who takes an interest in this matter to suggest checks on either slaughter of useful cattle or on export of useful cattle without anything substantial being said to the contrary. The problem is a very complex one, but when I show these figures to the Council it will appear very necessary to have a comprehensive survey of the whole situation as far as the cattle world in India is concerned. I have, your Excellency, in my hand a Monograph issued by the Munitions Board in 1919 giving the figures of trade in tanned hides and skins and leather. The figures given are in Table III under the heading " Export of raw hides from British India by sea to foreign countries ". In 1881 the quantity in cwts. exported was 595,144. It has gone on increasing every year practically and in 1913-14 the figure had gone up to 1,115,747 cwts. The total of exports of tanned hides from British India by sea to foreign countries in 1881 was 62,871 cwts. and that quantity increased in 1914 to 174,028 cwts. So, roughly speaking, the quantity of hides and skins and tanned leather exported from India to foreign countries has gone up cent. per cent. from 1881 to 1914, and in tanned hides it has gone up thrice. With those figures I may be justified in taking it for granted that the slaughter of cattle also must have gone on increasing. I was looking up the figures of cattle census for corresponding years. I have in my hand the Agricultural Statistics of India for 1917-18. I was trying to get figures for all India but I gave up the task, because, in the report the following sentences occurred which show how misleading or, at any rate, how rough these figures possibly can be. The report says—

> " In Bengal a cattle census was taken for the first time in 1912-13, which gave the numbers of bulls and bullocks, cows, buffaloes and young stock. (Young stock represents oxen and buffaloes not old enough for work or to produce young). In Bihar and Orissa a census was taken in 1913-14. The figures for Bihar and Orissa prior to 1913-14, as also those for Bengal for years prior to 1912-13, are based on estimates. Live-stock in cities and cantonments are included wherever it is possible to secure their enumeration. In making up the totals for British India for each year, the figures last collected in the Provinces where the census is not taken annually, are repeated year after year until the next cattle census is taken. It would therefore serve no useful purpose to compare the total figures for one year with those for another, as the totals thus constituted do not really represent the number of stock in the year against which the figures are shown in the table."

When the figures on which we might rely for the purpose of estimating the increase or decrease in the heads of cattle are based on such data as the one I have quoted, it appears to me to be sheer waste of time to put before the Council the approximate or the roughly approximate figures that may be given in this blue book. This by itself, if nothing else, makes out a good case for the question of cattle census being taken up very energetically by the Government of India. But that is not all. It has been conceded without much contradiction from responsible quarters that the quality of cattle has steadily been going down. I am not trying to speak with any sort of authority for the other provinces, but as

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far as Bombay Presidency is concerned there is no doubt in the minds of those who know that the quality of our cattle has been steadily going down. We have only got to examine what Government have been doing on the other side for the purpose of keeping up the breed of cattle and for the purpose of preservation of the best cattle in this Presidency. I fully appreciated the remark of the Honourable Member in Charge when he said the other day that the Government of Bombay have recently engaged an expert for the purpose of cattle breeding. It is never too late to begin, but I should have thought that an expert was necessary years ago. However, as I will show later on, this expert perhaps may have been appointed at the instance of the Government of India. I submit, sir, that while the export of hides and skins and tanned leather has gone on increasing like this, there has been practically little done till now for the purpose of Government satisfying themselves that these exports are such as do not tend, in any way, wrongly or injuriously to affect the best interests of the cattle which are a necessity for the agricultural purposes of this country. I submit that for an agricultural country like India the preservation of cattle is a question on which there should not have been any avoidable delay or any undue economy exercised. A little extra expenditure would perhaps meet with better results if there is to be an error between either extravagance or undue enconomy. I do not wish to discuss here what are the injurious results that may have resulted owing to the apathy of Government in this direction.

Whenever famine or shortage of rain occur in a lean year Government do their best for the plough cattle and milch cattle of a district which is affected. But what I feel and what I would like to represent is that this solicitude should not be restricted only to years when cattle happen to be in danger, but that some constructive policy of building up the best breed of cattle should be followed from year to year.

Then also comes the question of veterinary dispensaries in various places. I know there are a few in the Presidency at present but looking to the number of cattle concerned, and looking to the ravages that occur from cattle disease, I venture to submit that the provision made by Government in this direction has been far from what has been required by the value that we attach to our cattle.

Next comes, sir, the question of the slaughter of cattle. There have been slaughter-houses in various important centres. I understand that where there are no slaughter-houses there is no prohibition against anybody slaughtering cattle, either agricultural or milch cattle, or goat or sheep. I submit, sir, that in slaughter-houses like the important ones in Bombay, Poona and Ahmedabad, and other places, there is a great necessity of devising such checks on the cattle or animals to be slaughtered there, that no milch cattle or cattle which are at such an age that it can give good milk or are very young and likely to be useful for milk should be allowed to be slaughtered. As the Council perhaps knows, I addressed a letter to the Bombay corporation on this same subject in last April, and the report of the Municipal Commissioner on the subject matter showed that in Bombay City alone 10,000 useful milch buffaloes went to the slaughter-house for certain reasons which I submit were not such as could not be got over. As to whether that was a part of the Government's duty or part of private enterprise, I do not think we are concerned with. But I do submit, sir, that if private enterprise was wanting in its activity to come forward and prevent this slaughter of cattle, it is certainly the duty of Government to see that these milch cattle had no access to the slaughter-house, which would have forced the *gowalis* to think of some other methods than that of sending the cattle to the slaughter-house.

I asked a question at the last session of the Council as to whether any restrictions were imposed on slaughter-houses in other centres of the Presidency, and the reply given to me was that no restrictions existed, because Government felt that no useful milch cattle were slaughtered at those centres. The best reply to that is perhaps the report of the Bombay Municipal Commissioner which I have just mentioned to the Council, and I understand that in other important parts of the country milch cattle do find their way to the slaughter-house.

Next, sir, comes the question of the export of the best of our milch cattle. Your Excellency has perhaps before now received telegrams from some of the associations concerned in Bombay regarding a large number of cattle that are awaiting export to Brazil from Bombay. Some friends of mine who have seen these cattle tell me that each of these cattle was exceptional not only for milking capacity but also for its health and breed and general turnout as a whole. I know very high prices are being paid for these cattle. I know, sir, that there is a good deal which can be said in favour of people who want to breed the best cattle. If Government made sure that these cattle which go out so easily to foreign countries are cattle which can be exported with safety, and that the people who sell these cattle are the people who really derive encouragement from the very high prices paid and continue

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their cattle breeding operations, it may be useful. If Government have made some enquiries in this direction and if Government are satisfied, I think, the Council and the public at large would like to know the results of such enquiries that Government may have made. I am aware, sir, of the reply given by the Honourable Member for Revenue and Agriculture in the Government of India at the last meeting of the Imperial Legislative Council. I would like, sir, with your permission to refer to that. The honourable member there said regarding the export of cattle that a committee was appointed by the Agricultural Board to examine the question and they arrived at the conclusion that the most suitable action to meet the situation would be not to restrict the export of cattle that are in demand abroad but to maintain pure herds of such cattle in the middle of the breeding tracts and to assist such breeders in every suitable way to extend and improve their present operations. The Board of Agriculture accepted the report and recommended that as the export of cattle stimulates breeding it should not be discouraged.

Well, sir, the Government of India appear to have accepted the Board of Agriculture's report. But they appear to have acted on only one part of it. The constructive part of that report does not seem to have been attended to. That report says that the export of cattle should be continued but it also says that action should be taken to maintain pure herds of cattle in the middle of the breeding tracts and to assist such breeders in every suitable way to extend and improve their present operations. The Honourable Rao Bahadur Sarma did not tell the Imperial Council what action the Government of India had taken in that direction. They say the Board of Agriculture had accepted the report, but they gave their approval as conditional on their other recommendation also. The Government of India have satisfied themselves in a very convenient manner with one part of the Board of Agriculture's report, but the Honourable Rao Bahadur Sarma in giving that reply has not said a word as to what they have done regarding the other important recommendation. That, sir, is my complaint and that is the subject that I propose to submit to this Council for their approval. If you allow a free export of the best cattle of the country, I think, it is up to Government also to see that the best breed of the country continues to be replaced and continues to multiply. The Government of India have not said anything on that point and, therefore, I am constrained to say that the Honourable Rao Bahadur Sarma's reply to this question is very imperfect and very unsatisfactory as it goes. The question was again referred to the Board of Agriculture and the reply was that the committee found that in any case the export abroad at present formed a negligible fraction of the total export trade from the breeding areas and that it considered that a control was not called for immediately. That was in the year 1919. I see that whilst giving this reply the Honourable Rao Bahadur Sarma gave certain figures. I am sorry no Bombay newspaper has given these figures. As soon as I saw this reply, I wrote to the Government of India asking for figures, but I have not received them up to now, presumably owing to the existing strike in the Bombay postal service. What I submit is that this export of cattle to Brazil and other foreign countries has gone on increasing, and it is due to the public to assure them that whilst Government allow this export to continue they are taking care to ensure that this does not take away from the country the best breed but that the best breed goes on multiplying owing to the high prices that are available.

Regarding the same subject the Honourable Rao Bahadur Sarma said that the Government of India have instructed provincial governments to keep an eye on the quality of cattle that are being exported, especially from the point of view as to whether that does very effectively depreciate the better breed of cattle. I venture to surmise that the engagement by the Bombay Government of a cattle breeding expert, perhaps, may be due to this part of the instructions of the Government of India.

The Honourable Mr. G. S. Curtis:—I am unwilling to interrupt the honourable member, but this is the second time that he has cast a doubt on the good faith of this Government. This appointment has not been made as a result of the instructions from the Government of India.

The Honourable Mr. Purshotamdas Thakurdas:—I am very glad to hear that, sir. But the coincidence was rather remarkable; however, that this appointment was made independently by the Bombay Government, I am most glad to hear.

In connection with the question of the export of milch cattle it would strike anyone, therefore, that the only manner in which the public could be satisfied would be by prohibiting all export of the best breed of cattle until the Government are themselves satisfied as to that export not depreciating the best breed of cattle in India, and the export may be reopened later on when Government have satisfied themselves in this most important matter by a comprehensive enquiry into the whole question. I particularly recommend to the

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Council to agree to a request to the Government of India to go into this question thoroughly themselves, because, I feel that no provincial action would be sufficient in the question of export of milch cattle, for if the Bombay Government, for instance, said that they would not allow it, it would only mean that the cattle would be taken to Madras or Calcutta or to some other port where there would be no restriction. The policy would have to be uniform for all India.

Regarding the slaughter of cattle, I think, it is up to this Government to issue instructions to all municipalities in every place where there are slaughter-houses, that an efficient veterinary surgeon should be in charge of every slaughter-house to see that no milch cattle or no cattle which are likely to be useful for the purpose are slaughtered there. Until the Government are satisfied that the supply of milch cattle and plough cattle is so free that the slaughter of these does not in any way affect the situation, perhaps this is the least that could be done.

Very closely connected with this question of the cattle is, of course, the question of the supply of ghee and milk in India. It is not unnatural that the keen feeling amongst the people has perhaps been quickened by the excessively high prices which they have had to pay lately for these two articles which are the most important necessaries of the greater part of life of Hindus generally. So much has been said regarding the prohibitive level which these prices have reached lately, so much has been said regarding the difficulty of getting unadulterated milk not only in big cities like Bombay, Ahmedabad and Poona, but also in fairly large towns in the district, that I do not think it is necessary for me to take up the time of the Council in this connection. I fully realize, your Excellency, that private enterprise has not done what it might have done regarding the supply of dairy farming, regarding supply of milk and regarding other activities in connection with cattle generally. But I submit, sir, that that does not mean that Government, who after all are to look after the general interests of the people, are to be absolved from giving a lead to the people. That does not mean either that the Government need not have taken any step, or would be justified in not taking any steps at such a juncture.

I would like to refer to the trade that is being carried on in certain parts of Gujarat by dairies. Gujarat and Kaira especially are great centres where buffaloes are being bred, and a very important section of the community there earn their living by selling milk of these buffaloes to dairies. In fact, the whole thing has gone so far that when I was in Dakor about a month ago, I understood from reliable persons that it was next to impossible to get pure milk, unless one had a cow or buffalo under one's own control. The more the milk was adulterated and the higher the prices the people paid, the people who are carrying on the business of dairying set themselves in competition and pay still higher prices. Of course, nobody wishes to put a check on people who keep cows or buffaloes, and breed them and make a living out of them. They all add to the supply of milk. But, when this milk is used by dairies for the purpose of manufacturing powder out of milk, none of which is sold locally and most of which is exported, some feel that the people of that district have a just grievance against Government if they say that they will not take cognizance of the people's difficulty in their attempts to get what is a necessity of life. I fully realize that this is not at all an easy question to solve either by a study of the figures or by a provincial survey of the whole situation. The supplies of milk are affected not only in a district, but in all the districts which may be easily accessible from or to that centre. It is for this purpose that I venture to submit that it is very necessary for the Imperial Government to appoint a committee of expert officials and of non-officials who are in touch with the people and who would be glad to give very good guidance to the officials in this matter, in order that they may go into the whole question thoroughly, to enable them to lay down certain rules and to devise such means as will lead to the disappearance of the most useful cattle to the least possible extent, and to the best and quickest multiplication of the best of the cattle that are required for agricultural and milch purposes.

Remotely though it may be, but connected with the same question is the question of *gocharan*, that is, the provision of pasturage for cattle in districts. With the increase of land under cultivation, naturally the encroachment on the *gocharan* part of the lands has been considerable everywhere. But *gocharan* is a thing to which the people of India have been accustomed from times immemorial. Of course, the giving out of such land for agricultural purposes would bring in additional revenue, but if lands which have from times immemorial been left as free pasturage for the cattle of a village are given out for cultivation, I feel, sir, that it is part of the duty of Government also to ensure that the cattle which used that part of the village land as free pasturage are provided for elsewhere.

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This also is a very complicated question. I feel that the revenue officers in charge who allowed such encroachments must have considered this point of view too, but it is difficult to get at their opinions in any of the records that have been made available to the public.

Then comes the question of fodder storage for cattle during famine years, a question about which the Council fully knows my views. I do not wish to weary honourable members at this stage in regard to what Government could do and ought to do in this connection.

I therefore submit that the whole question is a very important one, and in order that the public may feel that Government are taking a very keen interest in this matter, the least that this Council can do is to bring these facts to the notice of the Government of India, and request them to have the whole question examined thoroughly by a representative committee.

The Honourable Mr. S. B. Upasani:—Your Excellency,—I have great pleasure in supporting the resolution of my honourable friend Mr. Purshotamdas Thakurdas. I think that the appalling loss of cattle during the last famine is well known to the Council. In 1900 a very large proportion of the cattle in Gujarat and the Deccan were lost. The same thing happened in subsequent famines, and during the famine of 1918 not less than 40 per cent. of the cattle perished. The effect of this loss on the agriculture of the country is too well known, and, I think, there is a real necessity for early and effective measures to check further losses on account of slaughter for human food. There is no doubt that in the absence of any check, legislative or otherwise, the slaughter of animals will go on. It does go on. Even in municipal areas, the municipalities are helpless to take action in the matter. The only provision that is to be found in the Municipal Act is section 142, which gives power to a municipality to interfere only in cases where the animals appear to be diseased or unsound or unwholesome or unfit for human food, and in such cases alone the municipality is empowered to seize the animals and prevent their slaughter for food. It is only in these cases, that is, when the animal is diseased that any action can be taken to stop the slaughter. If the animal is in a sound condition, the municipality cannot interfere. If the municipalities are to be empowered to take any action in other cases, then some provision will have to be introduced in the Municipal Act for that purpose.

Then, the slaughter is very indiscriminate, and people wishing to make money do not hesitate. Only recently a case came to our notice where a cow was slaughtered when near delivery time. The calf was found alive, but that was also slaughtered. The question came before the municipality in the form of an enquiry as to whether a separate fee was to be charged for the calf. Such things do happen, and therefore, whenever there is a chance of making any money, those whose profession it is to earn their livelihood out of slaughter, will not hesitate to do it.

The scarcity of milk is telling upon the health of the general public everywhere. In municipal areas the prices have gone up too high to allow of ordinary people getting the needful supply of milk. With all this, the supply itself is so deficient that even when you are prepared to spend money you cannot get good milk.

In these circumstances, I think that besides taking the action suggested by the honourable mover of the resolution in the direction of making recommendations to the Government of India for the appointment of a committee, further legislative action, as suggested by me, by amending the Municipal Act, which the local Government can take should also be taken so that the slaughter which goes on at present may be checked so far as is possible. With these few words I support the resolution.

The Honourable Sheikh Ghulam Hussein Hidayatallah:—Your Excellency,—I would like to make a few observations first as regards the resolution and then about the amendment. I hope my remarks as regards the resolution will not be misunderstood by the Council. I am in sympathy with the resolution.

His Excellency the President:—Order, order. The honourable member is under a misapprehension. The honourable member who spoke first, the Honourable Mr. Munmohundass Ramji, withdrew his resolution in favour of the one moved by the Honourable Mr. Purshotamdas Thakurdas, and there is no amendment.

The Honourable Sheikh Ghulam Hussein Hidayatallah:—While speaking on the resolution, I trust that my remarks will not be misunderstood. In the first place, if we do not allow people to slaughter cattle, then we are interfering with their private rights. Whenever any motion is brought forward in this Council which affects the liberties or rights

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of the people, we have been crying ourselves hoarse. If we now invite Government to encroach upon the rights of the people and prohibit them from slaughtering an animal of a particular age, that will be encroaching on their rights. Besides, it will be such a difficult matter to determine the age of a cow. It might not be difficult in a big town like Bombay, where the cows are brought to the slaughter-houses, where there are regular veterinary inspectors. But there are difficulties in the mofussil areas. In a place where there is no municipality, a man may bring an animal to be slaughtered. Whom is he to consult as to whether he should slaughter it or not? It will be all very well so far as the big towns are concerned, but in the mofussil areas there will be great difficulty. No doubt the number of cattle, as pointed out by the statistics quoted, has decreased. But there are other remedies for that. We might have a large number of cattle-breeding farms, and request the people to take interest in them, and thus multiply the cattle. Secondly, we might stop the export of the best cattle. Thirdly, attempts might be made to improve their quality. We might have a larger number of dispensaries in the mofussil where cattle could be treated by qualified people. Government might also allow them free pastures. These measures will tend to improve their condition considerably.

Now, it might be said that I am a Mahomedan, and therefore, I am not in full sympathy with the other honourable members. But I do feel that the cattle of the whole of India have decreased, and there is no doubt that they are very useful so far as agriculture and the supply of milk and ghee are concerned. I do belong to the Mussulman community, which is accused of eating mutton and beef. But in my Province, in the big cities, on the occasion of a Hindu holiday, there is generally a dearth of meat, and hence one community is as much responsible as the other. As to the question of the supply of beef, in the big cities most of the beef is used by the military and by poor Mussulmans for the sake of economy. Coming to the rural areas in Sind, the Mahomedans there are agriculturists, and cattle are as precious to them as to anybody else. They live mostly on curd, milk and butter. Only, cattle are sometimes slaughtered by them when they have some marriage ceremony, to give a feast. But they do it from the point of view of economy, because, they cannot afford to spend a large amount of money on goats, and in slaughtering the cattle it is not because they want to part with their cattle, but because they cannot do otherwise.

Then, sacrifices are made on the Id holiday. But from the recent good feeling between Hindus and Mahomedans, the Mahomedans have been making all allowances to respect the feelings of their Hindu friends. Even on the last Id, they have given ample proof that they are trying to preserve cows as far as possible.

Another point was raised here, and that was with regard to the very high prices charged for milk and ghee, because there are not sufficient cattle in the country, owing to their excessive slaughter. I do not agree with the previous speakers with regard to this matter. The facts are that the price of milk and ghee has been increased owing to the exportation of cattle; secondly, the price of grass and fodder has gone very high, and thirdly, the man who deals in milk and ghee requires more money, in these days of high prices, to keep his body and soul together. Therefore, when we complain about the paucity of milk and milk products, we have to take all these factors into consideration. However, the resolution that stands in the name of my friend the Honourable Mr. Purshotamdas Thakurdas, asks for a special committee of officials and non-officials to submit a comprehensive report regarding the condition of cattle in the whole of India. The committee will be appointed; it will investigate the conditions prevailing in the whole of India, and it will suggest the remedies for preventing the decrease in cattle and improving their condition. To my mind, therefore, there is a case for the appointment of such a committee, and I wholeheartedly support the resolution.

The Honourable Mr. Harchandrai Vishindas:—Your Excellency,—My friend from Sind will pardon me if I say that he has got a little bit mixed up in his speech, because, I thought that he had understood your Excellency's ruling that the proposition moved by the Honourable Mr. Munmohundass Ramji had been dropped practically by reason of his accepting the so-called original amendment by the Honourable Mr. Purshotamdas Thakurdas, but I found from the first part of his speech that he had not, because, his remarks could be relevant only when combating the resolution of the Honourable Mr. Munmohundass Ramji which was not before the Council. Then again, he eventually finished up by accepting the amendment.

Now, while addressing myself to the subject on its merits, I have only a few remarks to offer after the thoroughly exhaustive ground covered by the mover, the Honourable Mr. Purshotamdas Thakurdas. With regard to the Honourable Sheikh Ghulam Hussein's remarks about the consumption of cattle in Sind, I might say that I could not comprehend

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what he was driving at, whether he was going to make out that cattle preservation was being very well looked after in Sind, and, therefore, there was no necessity for any action on the part of Government, or whether he was going to make out that the present state of things did not require to be interfered with. At all events, the opening remarks in his speech gave an indication that it would be wrong on the part of Government to interfere with human liberty. I do not know whether this is a question of interfering with human liberty, because, Government have been exercising control over the export of wheat; they have been exercising control over the trade of rice, and in many other directions they have been exercising control. And if they find that the control over the exportation of cattle is in the economic interests of the agriculturists, and that, therefore, the suggestions in the various resolutions should be adopted, I think, the question of interfering with human liberty will not arise at all.

I think the best of the resolutions on the subject is that of the Honourable Mr. Purshotamdas Thakurdas. Therefore, I also join with him in thanking the Honourable Mr. Munmohundass Ramji for having dropped his own resolution, because, I find that the best solution of the difficulty will be to arrive at the facts and figures before we make a plunge in the dark as suggested by the other resolutions, which are of an indecisive and indefinite character and the carrying out of which will raise many difficulties in the path of Government.

Now, it is quite obvious that of all the countries in the world India is the one where the preservation and breed of cattle is of the utmost importance for various reasons. First of all, milk is the most important diet both of the rich and the poor. Next, India is—I think, I am quite on safe ground if I venture to say so—more an agricultural country than any other country in the world. The bulk of the buffaloes and the cows contribute more towards the prosperity of agriculture than any other animal; so many products of the cow and of the buffalo enter into the daily economic life of every Hindu, nay of every Indian, and that is the reason why Government should take care that the breeding of cattle is properly carried out and that cattle are not taken away from the country or consumed to such an extent as to be a drain on the economy of the country.

There are three sections into which the Honourable Mr. Purshotamdas Thakurdas has divided his remarks. One is the breed of cattle; another is their preservation from slaughter, and the third is their non-exportation. Now, as regards the breed of cattle, his remarks are extremely sound. The question requires to be fully enquired into, especially in view of the criticisms that we have seen in the press which arose from the agitation about the Ratona slaughter-house. The criticisms were to the effect that as a matter of fact the Ratona factory was not a mistake but was rather a move in the right direction, because, by the greater slaughter of the animals would the breed be stimulated, and that there would be a gain instead of a loss to the country. We do not know whether this is true. The question is one which requires investigation, because, we have not got enough data before us just at present. Therefore, the motion of the Honourable Mr. Purshotamdas Thakurdas requires to be supported.

Then, as regards the slaughter of cows and cattle for the purposes of meat, I might say that, if my information is correct, the only sections of the community who think it indispensable for them to use beef are the military troops, and some limited sections of the population. I have been informed that the Mahomedans do not think it necessary to consume beef. On the contrary, they think it is rather too costly and that they would be perfectly reconciled to the consumption being limited, if not absolutely stopped. But that appears to me to be not a material point. What I was driving at was that in the present state of things you must have known of the politically-minded people thinking that some kind of *modus vivendi* can be arrived at in this behalf.

Now, as regards the exportation of cattle, I think, that is a problem of the utmost importance to the country and needs looking into. If it is true that the exportation of cattle is in the interests of the cattle industry in the country, then by all means the committee can give us facts and figures, and we can come to the conclusion whether there should be a restraint on exportation or not. This question is also connected with the question of the preservation of cattle in so far as the criticisms are concerned on the part of some newspapers that it is because there is a sufficient disposal or sale or exportation of cattle that breeders of cattle are encouraged to breed more cattle, and that, as a matter of fact, it will not result in any loss to the country as a whole. All these points are very doubtful. We have not got any statistics or data, and therefore, I strongly commend my honourable friend's resolution to the acceptance of the Council.

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The Honourable Rao Saheb H. D. Desai:—May it please your Excellency,—I heartily support the resolution moved by the Honourable Mr. Purshotamdas Thakurdas. The question as regards the slaughter as well as the export of milch cattle is one which is not free from difficulty. It requires investigation, and consequently the only way to find the solution is by a thorough enquiry into the question. The price of ghee and milk, which are important to the people, has gone up very high. The price of these articles as well as the prices of foodstuffs and clothing have pressed very hard upon the general public, and they are operating in a way which is not very healthy even for our administrative machinery. People are hard hit from all sides, and particularly with reference to ghee as well as milk. Consequently this is a question which is exercising the public mind. The question has two sides: the sentimental side and the economic side. We are concerned with the economic side. And even with regard to this side, so far as the slaughter of young and useful milch cattle is concerned, it is necessary that uncontrolled slaughter of such cattle should be stopped. It is in the interests of the country, and the case of the Bombay Municipality brings the question into prominent relief. There the best of the milch cattle are attracted; and when they get dry, the question becomes one of very serious consideration. The cost of maintaining them, while they are dry, is prohibitive, and there is no other place outside where they can conveniently send them. With proper exercise and food, the cattle in Bombay, I am told, get fatter and fatter, so that it is only the butcher who gives the price, and therefore, the cattle go to him. That is a large economic loss to the country. So far as my knowledge goes, I do not know that Government have at all made any arrangements for placing at the disposal of such cattle in Bombay convenient parts of forest areas for the purpose of sending them down there, in order that this problem may be solved. I know the question is being tackled, and within a short time perhaps all those conveniences may be conceded. The important question, however, which affects the economic condition of the country is that of maintaining the pedigree stock. That is a question which requires to be grappled with, and it is only a thorough and exhaustive enquiry which can do so. I, therefore, welcome the resolution in the form in which it has been moved.

The exponents of the export trade say that breeding is encouraged on account of export, and that for every 100 cattle exported about 500 are bred up in order that the exporter may be able to offer them a good price. Consequently they say that export trade is an impetus to good breeding. At present if we consider the conditions, ordinarily the *rabari* on the countryside is the breeder of cows and bullocks. He generally feeds his stock on the fields of other people because the *gocharan* has been hemmed in all round and he does so, because, until very lately a cow did not bring a good price. Of late, however, on account of export trade it fetches a good price, and consequently breeding is being attended to; and if good prices continue to be available, then, the *rabari* will go in for leasing large areas in order to feed his stock, and in this way the exponents of the export trade say that export encourages breeding, and, therefore, it need not be indiscriminately stopped.

It is further urged in support of it that wherever export trade has thrived the condition of the cattle is better. It is said that in Madras there is a district by name Nellore which is famous for its cattle and its export trade; so also in Mysore there is a taluka named Amrit Mahal which is famous for its breed of cattle and for the export trade. These instances are given in support of export trade as encouraging breeding of cattle. How far these arguments are correct it would be for the committee to examine, and, therefore, I think that the resolution deserves the support of the Council. The preservation of the pedigree stock both by prevention of indiscriminate slaughter of young and useful cattle as well as of export of cattle is necessary.

I would give one more reason why the economic side of breeding of the cattle is important. Just let us look at the number of male buffaloes as compared to the female buffaloes. The buffalo which gives milk is economically valuable, and, therefore, you see a large number of it. The male buffalo except in forest areas is not so useful, and it has not thriven in large numbers. Consequently breeding has a connection with the other conditions, and those conditions must be inquired into. But at the same time I am in complete sympathy with the views expressed by the Honourable Mr. Munmohundass Ramji that indiscriminate slaughter of young and useful cattle as well as indiscriminate export of useful milch cattle which may drain away different pedigree stocks deserves to be checked.

The Honourable Mr. G. K. Parekh:—Your Excellency,—I support the motion that is now before the Council. The general feeling of my community is that the shocking

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infant mortality that you find in the cities of this Presidency, such as, Bombay, Ahmedabad, Surat and others, is to a great extent due to the difficulty of finding cheap and pure milk, and they believe that this is due to the circumstance of the diminution resulting from the slaughter of young cattle. They think that if the slaughter of young cattle is prevented there would be a considerable improvement both in the percentage of general mortality and also in the physique of the people because there are a considerable number of people in this country who depend altogether on milk and milk produce as the chief article of nutriment. If, therefore, the facts which are in the possession of Government in connection with this question justify the view that the people hold in this matter, I submit that Government certainly ought to accept the resolution. If there be any doubt so far as the facts are concerned, it would be very desirable that there should be an inquiry into the matter, because, it would set at rest the general feeling of the people that this evil is remediable, but Government for reasons of their own are unwilling to take drastic measures to stop it. I have not the least doubt that if the facts are made clear they would consider the remedy that is necessary for the purpose of preventing this evil. And, therefore, I consider that this is a proper case in which if there be any doubt about facts, that they should be investigated, and it should be made clear whether the prevention that is sought for would cause any appreciable inconvenience to other communities or whether it is not necessary to check the evils that now exist.

The Honourable Sardar S. C. Mudliar :—Your Excellency,—The resolution put before this Council by the Honourable Mr. Purshotamdas Thakurdas is one of national interest. The gravity of the situation has been realized, and, I think, it is time to find out some means to protect young and useful milch and agricultural cattle. These are the backbone of agriculture, on which the prosperity of the whole country depends. We know for certain that owing to the last famine many of the poor agriculturists to-day are not in a position to buy bullocks owing to high prices, and even after paying such prices they are not able to get that strong and healthy breed. At the beginning of this month owing to want of rain we all were getting very anxious, and our first thought was of these poor cattle. But thank God, the situation has been saved by this timely rain. The want of milch and agricultural cattle has been felt throughout the length and breadth of India, and we hear of many societies being formed to discuss and adopt means to save the situation. Under these circumstances, I think, it will be a very right thing for Government to adopt this resolution, and find out means to save and improve milch and agricultural cattle. If any of the proposals put before the Council are not practicable, Government with the aid of the department concerned should recommend to the Government of India such means as would tend to improve the present situation.

The Honourable Mr. Purshotamdas Thakurdas and other honourable members who supported his resolution have in a very elaborate manner discussed this important matter and it is hardly necessary for me to add anything more. With these remarks I strongly support this most important and useful resolution.

The Honourable Mr. Lalubhai Samaldas Mehta :—Your Excellency,—There is no doubt that we have lost faith in committees that are usually started to deal with certain questions. But in this particular case where we have not got sufficient data to make any pronouncement, perhaps this is the best possible way of coming to some definite conclusion in case Government appoint a committee. Therefore, while I support the resolution moved by the Honourable Mr. Purshotamdas Thakurdas, I desire to make a few observations on some points which are not quite germane to the main resolution.

The Honourable Mr. Purshotamdas Thakurdas spoke on the main resolution on economic lines only, but while referring to the question of dairies he based his remarks on sentimental grounds. He said in Ahmedabad and Nadiad and other places people sell their milk to dairies at a high price, and ordinary people cannot find milk for their consumption. Surely it is a problem for the man who has cattle, and who has milk to sell. If he gets a better price by selling milk to dairies, he cannot be prevented from doing so. I do not think my honourable friend would like people to be prevented from selling their milk to the highest bidder. Moreover, a man who sells milk does it to get money. Surely dairies that do this kind of work are not in any way robbing the people of their milk. As regards milk sugar, I dare say, my honourable friend's information is not quite correct. It has been found that it does not pay to manufacture milk sugar. The only thing that the dairies are doing is to manufacture butter and ghee from milk and my honourable friend can have no objection to this work, and to convert separated milk into casein which is an industrial product and is valuable.

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I wish to make only one more remark. The Honourable Mr. Purshotamdas Thakurdas said that we, as the public, have not done our duty in constructive work in starting cattle breeding operations. Perhaps we have not done all that we ought to have done. But I may inform the Council that we have some of us done something. We had started a scheme and we consulted the Director of Agriculture, and he told us that there were many practical difficulties in making that scheme a financial success, and we had to drop it. Now that Government have appointed a cattle breeding expert, it is just possible that our efforts may be successful. I do not know whether any honourable members of this Council have noticed that in to-day's papers one gentleman has come forward to say that he is starting a company with a capital of five crores to start cattle breeding operations. He said in his letter that he is floating a company with that capital.

The Honourable Mr. G. S. Curtis: —What is the object of the company?

The Honourable Mr. Lalubhai Samaldas Mehta:—The object of the company is to start cattle breeding farms. His letter has appeared in to-day's papers; and that company is capable of doing a good deal of useful work, and I hope that the cattle breeding expert and the Director of Agriculture will give that company all possible assistance to make that scheme a success. With these words I heartily support this resolution.

The Honourable Mr. P. A. Desai:—Your Excellency,—I support this resolution with very great pleasure. India is admittedly an agricultural country. Seventy-one per cent. of the population depend upon agriculture, and agriculturists require bullocks for carrying on their agricultural operations. They require cattle for manuring purposes. India is not much advanced in science, and so until scientific fertilizers replace this cattle manure, we are in need of cattle.

Your Excellency, at least in every three years we have got famine or scarcity in the tract which is confined to Ahmednagar, Sholapur and Bijapur. In 1918 on account of scarcity we lost about 50 per cent. of the cattle. That was Divine Will. No body was responsible for that but for the export and for the slaughter, by these two ways, cattle which are left with us are being destroyed from day to day, and it lies in our power, if we have a desire, to check these two ways.

(His Excellency the President at this stage withdrew and the Honourable the Vice-President occupied the chair).

Each year we see the best cattle are exported from the country, and every day we see in big towns a number of cattle are slaughtered. For the preservation of the health of the children, milk is absolutely necessary, and unless good cows are preserved, it is difficult to get a good supply of milk. Therefore, it is a very great problem for the good of the whole country. My honourable friend Sheikh Ghulam Hussein Hidayatallah says if we have these restrictions placed on the individual liberty, it will be very difficult. But I say, when the larger interests of the country are to be taken into consideration, the smaller interests of the individuals are not to be looked to. It is for the interests of the whole country that the cattle should be preserved, and I, therefore, have very great pleasure in supporting the resolution.

The Honourable Mr. R. P. Paranjpye:—Mr. President,—I have also very great pleasure in supporting the resolution brought forward by my honourable friend Mr. Purshotamdas Thakurdas. I rise because, with the exception of the Honourable Mr. P. A. Desai, most of the speakers who have spoken so far belong to the Northern Division, and I would add my voice to show that people of this part of the Presidency are not slower in recognizing the value of cattle than those of the Northern Division. Milk and its products till recently have been the most important items of nutritive diet for all the people of this country. Recently, however, from the dietary of the poorer classes of the people milk and its products have largely disappeared. They are so costly that it is impossible for a poor man to afford to buy milk at all. We remember times when in Poona good fresh milk could be had at 8 seers a rupee. Now it is difficult to get good fresh milk even at 2 seers a rupee. Only two days ago I had to buy milk at 10 annas a seer. That shows that the supply of milk has very greatly decreased and consequently the vitality of the people whose only nutritive food was milk is, I believe, considerably deteriorated. There is no doubt at all that the remedies for this state of things have got to be found. First of all, we must see the magnitude of the problem, and my honourable friend's motion gives us a means for finding out the exact state of the problem. As he has well pointed out the problem is not only a problem for this Presidency but it is a problem for the whole country, and a committee should be appointed to find out the actual state of

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things and to study exactly what remedial measures should be taken. Of course, popularly various measures are suggested, but they are not necessarily the most suitable. But I do not agree with my honourable friend Sheikh Ghulam Hussein Hidayatallah when he says that any remedial measures are likely to be hard upon certain sections of the population and interfere with their freedom. In any case I do not think that Government should withdraw from any remedial measures simply because some of them may trench upon the liberty of individuals. In fact, what is Government but an agency to take measures to trench on the liberty of individuals in order to benefit the larger interests of the whole population? If it is found that greater good can be gained, I do not think that a Legislative Council like this should object to the measures for the purpose. In my own mind although indiscriminate prohibition of slaughter of all kinds of cattle would probably frustrate its own object, I think, a measure like this, namely, prohibition in any talukas, for instance, where the proportion of the population to the number of cattle falls below a certain minimum, some such measures like that, might be taken. Again, so far as the export of cattle is concerned, the export of cattle of certain breeds, the number of which in the country itself falls below a certain level, should be prevented. There are various other measures which might be suggested. Perhaps, for instance, the Revenue Department might encourage the sowing of fodder crops. Everybody has been saying that fodder has been getting more and more expensive. Of course, till now our people are generally accustomed to get fodder from public grazing grounds and from the Forest Department, but with the pressure of population and pressure of agriculture upon land, perhaps this is not likely to last very long. In other countries the state of things to a very great extent has been altered, where instead of public grazing grounds people are going in for sowing fodder crops for the purpose of fodder. The Revenue Department might possibly give encouragement to the sowing of fodder crops and in that way increase the supply of fodder. I only throw out these slight hints which a committee might go into, and in fact many more such proposals might be considered from a wider point of view. But in any case the proposition brought forward by the Honourable Mr. Purshotamdas Thakurdas deserves the heartiest support of this Council.

The Honourable Dewan Bahadur K. R. Godbole:—Mr. President,—With your permission, sir, I wish to offer a few remarks on the resolution that is before the Council. In the first place, I must say that the effect of this resolution will not be felt in the lifetime of the senior members of this Council. What the proposition suggests is that the local Government should approach the Government of India and ask them to appoint a committee. The committee is to investigate the cattle problem of the whole of India, of all the provinces of which India is composed. After they get the necessary information from these provinces the information will be collated and the committee will then formulate its proposals. The proposals will then be circulated to the local Governments for report and the final action of a committee of the description that is sought to be formed in this resolution will probably come to hand after the next ten or twelve years. I should have better appreciated some resolution that would have dealt with the problem in a manner by which the effect would have reached us earlier. I want to bring to the notice of this Council that in our agricultural tracts every agriculturist is fond of keeping a large number of cattle, a much larger number than he can provide for in the shape of fodder and accommodation. I have seen agriculturists keeping cattle to the extent of 15 and 20; what they do is that they allow them to graze in the common grazing ground of the village so long as the grazing season lasts in the rains, and in the cold weather, and in the hot weather they give them 10 or 15 pullas of kadbi, and this is all that these miserable cattle have to feed upon. What I want is that the sense of the agricultural community should develop, that their sense of responsibility should develop, and they should realize that they should not keep a larger number of cattle than they can efficiently keep in the hot weather. That is the time when these cattle suffer to a most serious extent. If this lesson could be driven into the heads of the agriculturists, that they should keep only such number of cattle as they can adequately provide for in the hot weather, I am sure that the breed of cattle will improve and the condition of cattle will greatly improve.

As regards the milch cattle, the feeling in the countryside is that the really good milkers should never be parted with. The agriculturist will stick to them as long as he can. I do not think the really good milker is ever sent to the slaughter-house. It is only the worthless animals, the animals that cannot be maintained on the countryside on account of the shortage of fodder, etc., that go to the slaughter-house. The remedy seems to me, if it is possible, that Government should have fodder preserves in each district, one large fodder preserve or two or three smaller fodder preserves in two or three different

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portions of the district, where agriculturists can send their cattle for grazing on payment. If this can be arranged for, then the cattle of the agriculturist during the monsoon and cold weather will be kept up in an efficient condition by himself, and when it gets beyond his capabilities to provide fodder, there is the preserve for him to fall back upon. If some such arrangement were made, I think that would improve the condition of the cattle immensely. But the first thing is that our agricultural community should realize their responsibility and keep only such a number of cattle as they can efficiently keep, and get rid of the cattle which they cannot keep. If they realize that, I think the problem will be greatly helped. As remarked by the previous speakers, the problem is getting more intense every day, and every gentleman who has got two or three children in his house feels it almost every day of his life. The committee that is proposed will do a certain amount of good eventually, but we want more direct methods to be adopted, and one of these methods is what I have suggested that the number of cattle to be kept by each agriculturist should be limited to the number that he can adequately maintain each year.

The Honourable Mr. G. S. Curtis: —What is to be done with the balance?

The Honourable Mr. Purshotamdas Thakurdas:—The balance will go to the slaughter-house!

The Honourable Dewan Bahadur K. R. Godbole: —The remainder will go to the market, and we need not enquire what will eventually happen to them.

The Honourable Rao Saheb H. D. Desai:—I should like to know from the Honourable Dewan Bahadur Godbole whether he is against the small cattle breeder and whether he is only in favour of the capitalist cattle breeder, the cattle breeder on a large scale. I have not been able so far to gather what his view is in regard to this particular matter.

The Honourable Dewan Bahadur K. R. Godbole:—I say that cattle breeding ought to be encouraged whether it is on a large or a small scale. I object to people keeping cattle without being in a position to properly provide for them. In times of scarcity, they allow these cattle to grow into skeletons, and to roam about the country. I object to people keeping cattle under such conditions. I, therefore, support the resolution, but for more direct action I would plead that Government, if possible, should take action in the way that I have suggested. If possible, in each district there should be fodder preserves to which agriculturists, when they are in difficulties, could send their cattle for grazing on easy terms. With these remarks, sir, I support the resolution.

The Honourable the Vice-President (Sir G. Carmichael):—The Council will now adjourn till 2-45 p.m.

The Council then adjourned for lunch.

After Lunch.

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

The Honourable the Vice-President (Sir G. Carmichael):—Further consideration of resolution No. 15.

The Honourable Mr. H. P. W. Macnaghten:—Mr. President,—May I say a few words on the technical side of the question at present before the Council? I entirely agree with everything that has been said in support of this resolution. There is nothing that is more important to this country, and to this Presidency in particular, than the supply of cattle, which is absolutely necessary for the provision of milk and ghee to the poorer classes and for the agriculture of this province. But, at the same time, I should like to say that I consider that any question of appointing a committee to go into the difficulties that have arisen seems to me certain to lead to trouble, and it is likely will not lead to any good results. To legislate on the question of killing milch cattle seems to me a very difficult matter. It is purely an economic question, and any one who is in the habit of killing his milch cattle before they have gone barren ought to be punished by being sent to a lunatic asylum and to no other destination. But it is a very difficult economic question which cannot be settled by legislation pure and simple. It is a different problem in every district, and a different problem in regard to every single animal that comes up for slaughter in this manner. The passing authority will have no notion as to the particular position of the animal which comes up to be passed for slaughter. It may be that there are special circumstances involved, which render the animal in consideration unprofitable. That must be a matter solely for the owner to decide, and to

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appoint a committee to go into the different circumstances that arise all over India seems to me to be a very slow method of dealing with the case.

Sir, there is only one solution that I can find to the difficulties that arise in connection with cattle, and that is, not that we should be asking the help of Government, but that the wealthy gentlemen of this province should do what wealthy gentlemen have done all over Europe to improve the breed of cattle and horses in their respective countries. It can be done, and it can only be done on a moderate scale by wealthy people, who are prepared to lose a certain amount of money, but who may make a very great deal of money in the process for themselves subsequently. But they must risk a certain amount of money to do so. To ask for the help of Government seems to me to be very dangerous, at any rate, to rely entirely upon the help of Government. The Honourable Mr. Purshotamdas Thakurdas, when he was speaking on the question of the Port Trust hotel, pointed out to us that the Port Trust could not manage a hotel as economically as a private individual who wished to make a profit out of it. That is perfectly true, and if that applies to a hotel, it applies very much more to cattle breeding, which must be taken up as a hobby if it is to be a success, and if it is to be profitable.

I hope that this debate will lead to a very great number of gentlemen supporting the cause of cattle breeding very much more enthusiastically than has been done in the past, and I think that that is the only way in which the cattle of the Presidency can be put on a proper footing again.

The Honourable Mr. H. S. Lawrence:—Mr. President,—I think we may heartily welcome this discussion, for it will lead to the dissipation of a certain amount of somewhat erroneous thinking on this subject, and if a thorough enquiry be held into the whole question, the Honourable Mr. Purshotamdas Thakurdas and those other speakers who have voiced the general feeling that Government are very apathetic in regard to the treatment of cattle, will, I think, be satisfied that on the contrary Government have for many years given a very great deal of time and attention to this matter.

The Honourable Mr. Purshotamdas Thakurdas mentioned that an expert in cattle breeding had been appointed for the first time, in the last year or two. The Honourable Mr. Purshotamdas Thakurdas must have misunderstood the situation. What has happened is that an expert in the Agricultural Department has been appointed for the first time. For the last 30 years or so, cattle breeding has been in the hands of the Veterinary Department, and many experts of that department have studied this matter during that period, and probably more. As a matter of administrative convenience the charge of this particular function has been transferred from the Veterinary Department to the Agricultural Department, and a special officer has been appointed in the Agricultural Department.

Then, sir, we have had a large number of statistics to think over, and, I think, several of those statistics quite clearly have led to erroneous conclusions. For instance, one honourable member stated that the export of hides had increased 300 per cent., from, I think, 60,000 cwts. to 180,000 cwts., and he drew from that fact, if it was a fact, the conclusion that the slaughter of cattle had increased three-fold. I think it is fairly obvious that no such conclusion can be based on that fact. The export of hides depends on the movements of world-wide trade, and not on the number of cattle that die or are killed in this country. Perhaps, I ought to explain that a little further: 60,000 cwts. do not represent a very large number of cattle, whereas if you take the cattle census of India, it runs into several millions.

Somebody else stated that the actual number of cattle in the country had decreased very largely. I was looking up an authoritative statistical book, the International Annual, published by the Agricultural Institute of Rome, and the figures there given are very different. They show that in ten years, 1907 to 1916, the cattle population of India had increased by over 50 per cent.; they had grown from 91 millions to 147 millions. I offer these statistics for your consideration. It merely shows that the matter does require very careful consideration. You can have statistics to justify, or at any rate to support, very different points of view.

Then one honourable gentleman gave us the very valuable and interesting information that a company has been started with a capital of Rs. 5,00,00,000, but I am not quite certain to what particular branch the operations of the company refer, whether for cattle breeding or for the manufacture of dairy products.

The Honourable Mr. Lalubhai Samaldas Mehta:—For cattle breeding.

The Honourable Mr. H. S. Lawrence:—Well, Rs. 5,00,00,000 will make a very sound company, no doubt, but I should like to give some figures. In the United States,

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the capital invested in farm animals is valued at 2,000 crores, and the annual outturn of dairy products in the form of butter, cheese and dried milk alone is valued at 100 crores a year. It is obvious that one company with a capital of 5 crores, ranging over a country with a cattle population of about 150 millions, is only just touching the very fringe of this subject. There is obviously here an opening for the investment of immense quantities of capital. Some gentlemen perhaps may object to the export of milk products from India. But I think, if they do so, they are going contrary to the experience of trade and commerce throughout the world. The greater the demand for your produce, the greater will be the supply, and the greater the benefit to the country. However, I only wish to point out at this stage that Government, as represented by the Agricultural Department, will welcome very cordially the most detailed enquiry into the efforts that they have made in the past for the protection of cattle and the support of this great industry.

Another point in regard to which the Honourable Mr. Purshotamdas Thakurdas complained was that Government have been exceedingly apathetic in regard to fodder. There again, enquiry will be most valuable. When you deal with fodder your figures run into a very large number of cyphers. To support one head of cattle through six months of dearth between one season and another you require 2,000 lbs. of fodder. That is, 1,00,000 lbs. will support 50 cattle. You have 9 million cattle in the Presidency alone, and I see that the Honourable Mr. Paranjpye is busy making a mental calculation, and he will no doubt tell us how many crores of pounds will be required for this purpose.

The Honourable Mr. Munmohundass Ramji:—Mr. President,—Speaking on the resolution that has been moved by the Honourable Mr. Purshotamdas Thakurdas, I agree with the Honourable Dewan Bahadur Godbole, who has remarked that this enquiry will cause a certain amount of delay. Whether this recommendation will help the Government of Bombay or not depends on whether the Government of India will accept this proposition and appoint a committee. If they do not do that, there is an end to the matter. My suggestion is that the case would be that the Government of Bombay should take action, and find out what the real thing is that is required to keep up with the times. The point involved in the resolution is an economic one.

What we want to know is, first, how the stock of cattle can be increased. The second point is how the cattle are to be preserved from being destroyed unnecessarily, and the third is, how the breed can be improved. Of course, we all know that when an economic problem presents itself before the Government, it is their duty to see into it and find out whether the complaint is a real one, and if so, what they should do in the matter. My friend the Honourable Mr. Macnaghten said that it was a very unwise thing to expect Government to do such things, and he relied upon private enterprise. The mover of the resolution has admitted that private enterprise has done something less than what it should have done. But the question is this. How is it that the Government of England went to the help of some association to see whether a longer staple cotton could not be grown in the British Empire? If the British Government are so alive to the economic question of the land, is it not then a question for the Government of Bombay or for the Government of India to see whether they can increase the stock of cattle and improve the breed? In reply to a question that I put some time back in this Council, I was referred to the statistical figures that are published about cattle. But these figures do not represent the true state of affairs. There are two things: export of cattle on account of traders or private individuals, and export of cattle on account of Government. The statistics, however, do not give the number of cattle exported for Government purposes but only those exported by private enterprise. Information on this former point is not at all available. One of the previous speakers said that in a publication of Rome there are statistics given for India, and therein he finds a certain state of affairs. Well, if the Government of Rome or the people of Rome take the trouble of collecting statistics about India and publishing them for the wide world, is it not the duty of this Government or the Government of India to have in their possession all the necessary information regarding India?

Now, what do we find the position to be with regard to milk and ghee? We do not find milk sufficient for rearing children. You will imagine, sir, how difficult it is for a poor family with more than one child to buy milk at the rate of eight annas a seer for the purpose of rearing them. About ghee, what is the position? The price of ghee is Rs. 1-8-0 a seer. Even then, perhaps 50 per cent. or 60 per cent. or 75 per cent. of what is sold in the name of ghee is tallow. That is the position. It is, therefore, incumbent on Government to look into these things, and find out some remedy to improve the condition of the cattle and to see that unnecessary waste does not take place. What do we find in the slaughter-houses? Young cows are being killed. For what purpose? For the purpose of satisfying human

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greed! That is all, and nothing more than that. We have to find out whether it is in the economic interests of the country to kill young cows like this. All these questions require to be enquired into, and therefore, from the economic point of view an enquiry is quite necessary.

The Honourable Mr. G. S. Curtis:—Mr. Chairman,—I think we have had a most interesting discussion on what is a very important subject. The resolution moved by my honourable friend Mr. Purshotamdas Thakurdas runs as follows:—

> "This Council recommends to His Excellency the Governor in Council that the Government of Bombay do represent to the Government of India the necessity of a special committee of officials and non-officials being appointed to submit a comprehensive report regarding the condition of cattle in the whole of India and the advisability of devising checks on slaughter and export of cattle generally and of milch cattle in particular."

There are two points. The first one with which I thoroughly agree with the honourable mover is that the matter must be a Government of India concern. One reason which has occurred to him is that it is not enough to stop the export in Bombay and allow it to go in Madras and Calcutta. More than this is the fact that beef is a cheap and nourishing food, and if you are going to infringe upon the rights of private persons to obtain their beef, you have to undertake legislation of an entirely novel, of an entirely far-reaching character. And it would be absolutely necessary that the penal measure which it would be necessary to introduce should apply to the whole of India. A second reason why the matter must be an all-India one is that you are not dealing with the Presidency of Bombay only. You have to deal with the Native States also. The most important cattle breeding centre in the Bombay Presidency has its home in the Native States, in Dharampur and Palanpur for instance, and in the Madras Presidency, or in the Madras area it is in Mysore. It is perfectly obvious, therefore, that if any measure is at all to be taken, it must be taken with reference to the whole of India.

Further, as regards the appointment of a committee, on behalf of Government I have to say that we shall have no objection whatever to forwarding the resolution to the Government of India with a view to their acceptance. There has been very considerable discussion with reference to the proposed establishment of a slaughter-house in the Central Provinces, and in connection with that representations have been made, and the Government of India will have to take into account what has been said here to consider the possibility of a committee to examine this important question. But, sir, when we get a little further and come down to practical measures, which the honourable mover of this resolution and other speakers wish to take with reference to the problem before us, I find very considerable doubt. I picture myself in the unfortunate position of the secretary who has to draft the letter recommending the resolution to the Government of India, and I find it very difficult indeed to put forward clearly what it is that the Council wishes to do. We have a good reputation in the world as a practical Presidency, and we must see that we are not putting before the Government of India visionary proposals, but only those of a thoroughly practical nature based on facts and figures.

Now, sir, what is the first point? The Honourable Mr. Purshotamdas Thakurdas wishes to stop the export of cattle. I understand that the total number of milch cattle exported from this Presidency is 1,500. But I contend that the export of 1,500 milch cattle from this Presidency will make no effect whatever on the supply of milk or milk products. Even if the export were 100 times as much, the effect will not be large. In fact the particular area in Gujerat from which these cattle have gone, the effect has been, as the Honourable Rao Saheb Harilal Desai says, that the professional breeders now no longer allow their cattle to run about. They look after them more carefully. They take up land for grazing them, and they are anxious to breed their cattle carefully in order to get the very substantial prices that the Brazilian dealers offer them. As far as I have been able to view the matter, export, so far from doing harm, has done unmitigated good. I may add that with regard to one shipload that I saw myself, the dealer informed a friend of mine, who informed me later, that the cattle were bought as famine cattle, and if they had not been exported, they would have died in the country. So far, therefore, I do not see that export would do any harm. The Honourable Mr. Lawrence laid stress on the importance as far as possible of encouraging export. In villages in some parts of England, of which I have some knowledge, there was at one time great competition in the wool trade between England and the continent, and there was a very strict prohibition on the export of wool or the export of sheep. This passed away after some time. The sheep industry increased in Argentine and Australia. And breeders there by importing stud rams improved their herds without any assistance from

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Government. And what is the result? At the present moment they are offering £1,000 or £1,200 for a stud ram. Residents of Gujerat from which part the Honourable Mr. Purshotamdas Thakurdas comes may be surprised at this. But has any resident there or any wealthy merchant taken steps to establish a stud bull farm? Why, is there a single stud bull yard on this side of India?

The Honourable Mr. Harchandrai Vishindas:—In Sind there is one.

The Honourable Mr. G. S. Curtis:—I accept the statement with thanks. I forgot that a movement had been on foot in Sind in this connection. I hope it will meet with success. As far as I know, the only private herd in the Presidency proper was that started by Lord Willingdon and now maintained by His Excellency Sir George Lloyd.

Now, sir, one matter more. The Honourable Mr. Purshotamdas Thakurdas has laid considerable stress on the apathy of Government, and he twice made what, I think, is an unmerited sneer on this Government that the recent appointment of a cattle breeding expert had been made at the instance of the Government of India. Sir, if the Honourable Mr. Purshotamdas Thakurdas knew a little more about the conditions of agriculture in Bombay, he would realize that Bombay does not wait to be prompted or encouraged by the Government of India. Our Agricultural Department is acknowledged to be by far the most efficient, the most progressive in India, and we have a cattle breeding department in charge of extremely skilled officials now doing work which was done by the Veterinary Department for nearly 40 years. The Honourable Mr. Purshotamdas Thakurdas has perhaps never heard of the Chharodi farm that has been in existence for 21 years. We have a pedigree herd there which has done very well. I do not think that it can be laid at the door of the Bombay Government that they have been at all apathetic with reference to the breeding of cattle. The breeding of cattle in the Bombay Presidency is not a very simple matter. In Gujerat and the areas near it, you have a definite type of animal. In the Deccan there is not much cattle breeding. The breeding is mainly in the Satpuras, and there is no fixed type of breed. Efforts are being made to establish a cattle farm in Dharwar and in another place. Time will show how far these will be successful. So much as regards the action of Government.

I come now to a very different question, namely, the restriction of slaughter. We have had various figures given us of the number of horned cattle killed at municipal slaughter-houses. Now I am not quite sure. I have not been able to make out what the Honourable Mr. Purshotamdas Thakurdas wishes us to do. As far as I can make out he wishes that the slaughter of cattle or milch cattle below a certain age is to be made a penal offence. The Honourable Mr. Upasani quite rightly pointed out that there is no provision, at the present moment, in the Municipal Act to this effect. What I want the honourable member to tell me in his reply is: Is the legislation making cattle-killing penal to be restricted to municipal areas or is it to be extended to all areas? If Rama Bapu Mahar kills a yearling heifer inside the municipal area of Poona, is he to be prosecuted? What is to be done if he kills it in a nullah at Hadapsar? If he is to be punished it will be necessary to amend the Indian Penal Code. We shall have to instruct the Advocate General to draft some legislation to the effect that if a milch cow of the age of two years or under is killed it is to be an offence of culpable bovicide. It is a very serious question, and I want the Honourable Mr. Purshotamdas Thakurdas to tell me in his reply how to draft the letter. It is dangerous to introduce new offences into the countryside, and if you want this offence to be on your criminal register, you are running a very great risk indeed. The amount of village quarrels and crimes and eventually village murders and charges which are likely to arise out of this offence is not a matter to be lightly overlooked.

The Honourable Mr. Munmohundass Ramji made fun of the Honourable Mr. Lawrence's figures because they were taken from a book published at Rome. I say at once that there is no ground for jest. There is a central Bureau at Rome from which the figures collected from the whole world have been published. It is published by an office which is maintained by various countries, and the figures quoted by the Honourable Mr. Lawrence are thoroughly reliable, and they are worth noting. Those figures show that there has been an increase by 50 per cent. in the number of cattle in India in ten years. Now, sir, people who complain of the shortness of cattle have got to get round those figures somehow. The Honourable Mr. Purshotamdas Thakurdas is quite correct in alluding to the fact that in Bengal the statistics were not as complete as they are elsewhere. Bengal has no village statistics. But our own statistics are, I think, fairly accurate. We take them once every five years, and we can tell from these statistics whether there has been a very material decrease. At the same time I must not omit to notice the remarks of my honourable friend Dewan Bahadur Godbole. He remarked that the ordinary villager in the Deccan was in the habit of keeping

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twice or three times as many cattle as he wanted, and the result was that in the hot weather you see these cattle roaming about without anything to eat; and not properly fed. That, sir, is the problem to which the Honourable Mr. Purshotamdas Thakurdas's suggestions furnish no remedy. When I interrupted the Honourable Dewan Bahadur Godbole and asked him what he proposed to do with the balance, the Honourable Mr. Purshotamdas Thakurdas remarked "Of course, slaughter-house." Well that is exactly the case. In any other country in the world they would go to the slaughter-house where they would fetch a good price and they do fetch a good price now. Are they to be left starving or are they to fetch a price for the owners?

One more matter. Throughout the speech of the Honourable Mr. Munmohundass Ramji, I heard no suggestion that any one has a duty in this matter except Government. As I said I have never heard of Government action with reference to this matter. I have heard of a case the other day in which an Englishman who was once a merchant in Bombay went in for cattle breeding in England. He, the other day, sold 25 yearling bulls at £1,150 apiece. There is nothing to prevent any Indian merchant resident in Bombay going into breeding and selling 25 bulls at Rs. 1,150 apiece. I do not know of one at the present moment who is breeding cattle in India. How many millowners of Bombay own a herd of cattle? I guarantee there is no one. The only cattle herd in the Bombay Presidency is that of His Excellency the Governor. I am referring to this matter because the resolution of the honourable mover makes what seems to be an extremely interesting suggestion. He wishes that the Pinjrapols should be utilized for constructive work, that is, instead of merely preserving aged cattle, they should go on breeding and preserving pedigree cattle. I venture to hope that he will follow up that suggestion, and that those institutions will eventually be used throughout the Presidency as the means of preserving a really good type of cattle, and in that way improve the breed. Furthermore, may I appeal to him to use his great influence for the purpose of encouraging societies with which he is connected to take up the matter of cattle breeding and improving the breed of cattle? This is really a matter for private enterprise, not for Government.

There is one more matter. A great deal has been made of the slaughter of ten thousand milch cattle in Bombay. I entirely agree. It is a great pity. But I may point out that it is entirely unnecessary. It is for the sake of milk that these cattle are brought into Bombay. What I submit is that you should provide for more organization in this matter. Organize your milk supply. Do not let cattle be brought to your home for milk but organize dairy farms, start refrigerators and try to supply proper milk, and it will be no longer necessary for the wealthy residents of Bombay to have huge herds of cattle brought on to Malabar Hill in order that the residents may get pure milk. This is a matter purely of private effort and of private capital. A small effort is being made at present but so far it has commanded very little support. I refer to the dairy at Palghar. But with the wealth of Bombay it ought to be possible to have half a dozen dairies in Bombay. It is a most pitiful sight for one to see milk coming in by the B. B. & C. I. Railway in brass pots covered with dried grass. Everybody knows that milk conveyed under these conditions is absolutely unsanitary and it may do more harm than good. So organize the milk supply, improve the train service for milk and organize dairy farms, and all this trouble of milch cattle will disappear altogether.

One more remark, sir. I have great pleasure on behalf of Government in accepting this resolution. I foresee considerable difficulties in giving effect to the suggestion of the honourable member, but when we see the results of the committee's inquiry we can see whether something cannot be done to establish the proper breeding of cattle on a sound footing and thus to ensure improvement.

The Honourable Mr. Purshotamdas Thakurdas:—Sir,—I have followed with very great interest the debate on my resolution, and although in view of the fact that Government propose to accept this resolution, I do not propose to elaborate any of the points on which honourable members tried to show their agreement with the view that I put before them in my opening speech, I think that the debate on this resolution would be incomplete if I do not refer to some points raised by other honourable members, especially the Honourable Member in Charge who, agreeing generally with the resolution, thought that the resolution was either defective or not feasible. I would, therefore, deal with the points raised by the Honourable Member in Charge and some other honourable members *seriatim*.

The most shocking proof of the necessity of some action in the direction that I have indicated came from the first honourable member who spoke on my resolution, namely, the Honourable Mr. Upasani. The honourable member, while he did not give us the name of the municipality in whose area the event occurred,

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told us of a cow which had conceived having been killed and a living calf came out after the slaughter and that calf was also slaughtered. That by itself shows, if any proof was necessary at all, that the Government of Bombay might well take action and lay down that milch cattle that already carry should not be allowed to be slaughtered in slaughter-houses. I expected to hear some words from the Honourable Member in Charge as regards this fact which was referred to by my honourable friend Mr. Upasani. The Honourable Mr. Upasani said that section 142 of the District Municipal Act did not permit of district municipalities taking any action in that direction. My honourable friend Rao Saheb Harilal Desai has, however, very kindly discovered for me that section 48 (1) (*a*) does give district municipalities sufficient power to take action if they desire to do so. The Honourable Rao Saheb Harilal Desai would himself perhaps have explained further how action could be taken thereunder, but he discovered the fact of this section giving the power after he had spoken on the subject.

The Honourable Mr. G. S. Curtis:—I beg the honourable member's pardon. Will he kindly read out the section?

The Honourable Mr. Purshotamdas Thakurdas:—Yes. Section 48 (1) reads as follows:—

> "(1) Every municipality may from time to time, with the previous sanction, in the case of City Municipalities, of the Governor in Council, or in other cases of the Commissioner, make, alter or rescind by-laws, but not so as to render them inconsistent with this Act, (*a*) for the regulation and inspection of markets and slaughter-houses," and so on.

The regulation and inspection of markets and slaughter-houses, it has been contended by some, might include a restriction on cattle that may be slaughtered there.

The Honourable Mr. G. S. Curtis:—I can only say that I do not quite accept the honourable member's interpretation of the section.

The Honourable Mr. Purshotamdas Thakurdas:—Very well, sir, if that interpretation is not correct, all I can say is that the District Municipal Act requires to be amended to include a suitable section in this connection.

Whilst the Honourable Sheikh Ghulam Hussein Hidayatallah was speaking on this resolution, I was not at first clear whether he intended to support or oppose the resolution, but later on he very kindly showed his complete concurrence with the resolution. I am sorry, however, that he should have thought it necessary to refer to any question of the hackneyed difference between Hindu and Mahomedan points of view in this matter. As the Council must have noticed, I absolutely refrained from making any reference to any sentimental difference between the points of view of these two communities in moving this resolution, and I moved and discussed it purely from the economic point of view. In fact, I tried to mention all the points from the economic point of view only. The Honourable Sheikh Ghulam Hussein Hidayatallah stated that, while all Mahomedans were meat eaters, many Hindus were also meat eaters. But I have not put it from that point of view at all. The pandit of Cashmere, for instance, is a meat eater without any parallel at all. I personally wish that the aspect that he referred to and the question of differences between Hindus and Mahomedans had not been referred to at all.

My honourable friend Mr. Lalubhai Samaldas pointed out that whilst in the major part of my speech I tried to stick only to the economic aspect of this subject in speaking on the question of dairies I had been led away by sentimental points. I do not know whether I was not able to make myself clear in regard to dairies in the Kaira district but what I wished to point out to the Council was not what I thought of it myself, but what the man in the street thought of it. I do not think that I said that I sympathised with the views of the "man in the street" in the Kaira district. I only mentioned them for the purpose of showing that owing to these various sentiments and feelings, it may be very desirable to have the whole question examined thoroughly once for all. The Honourable Mr. Lalubhai mentioned to the Council some news about a company with rupees 5 crores capital having been floated. I unfortunately have not seen the announcement. It will be, I hope, an exception to many of the companies that have been floated in recent times with large capital and the investors thereof may, let us hope, reap the benefit, if not in the shape of dividends, at least, of having done something to ameliorate the condition of the cattle generally.

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The Honourable Dewan Bahadur Godbole was as usual very pessimistic and, if I may say so, very conservative. He felt that there was a surplus of cattle with cultivators and he appeared to think that as long as those continued, Government need not take any action or that no action was desirable. The Honourable Mr. Curtis in the course of his speech asked me a pointed question with reference to the Honourable Dewan Bahadur Godbole's remarks. When I interrupted the Honourable Dewan Bahadur Godbole and said that the balance of the cattle would go to the slaughter-house, I said what in my opinion was the only reply that the Honourable Dewan Bahadur Godbole could give. At any rate the Honourable Dewan Bahadur appeared to put before us no alternative to my resolution. All that I gathered from his remarks was that he was for leaving the cattle question as it is, and for pursuing the policy of *laissez faire* that has been pursued up to now, and that in his opinion the cattle question was not half as important as many of the questions in which he himself took special interest. His view may be a very correct one, but I am afraid that he will find the majority of the people strongly opposed to the view that he put forward. In my opinion the Honourable Dewan Bahadur is not quite correct in telling us that the average Indian cultivator has got more cattle than he can look after. If it is so, all the more reason for a sort of enquiry which would convince the people as to the best remedy for it. I submit that the remedy that I suggest is the only remedy.

The Honourable Mr. G. S. Curtis:—Will the honourable member tell us what that remedy is?

The Honourable Mr. Purshotamdas Thakurdas:—The remedy is to get the whole subject enquired into. Let the Government find out what is feasible and suggest some remedies and then ask the people to follow up the same. The Honourable Dewan Bahadur Godbole also swept aside what I had to advance on the fodder question. I know his very tepid sympathy with that part of the necessity of this Presidency, but all that I can say is that the Government of Bombay have not been able to congratulate themselves on their decision of 1914 *re* fodder storage and find themselves more or less convinced now of the necessity and feasibility of doing something in the matter; they have now begun to take some interest in fodder storage, and my only regret is that they have not yet done anything like what they might have done. What I submit, sir, is that they can do a great deal more in this connection if they take up the question in right earnest.

My honourable friend Mr. Macnaghten thinks that for people who kill young milch cattle the only proper place is a lunatic asylum. I am afraid in that case the owners of the 10,000 cattle which, according to the Bombay Municipal Commissioner's report, go to the Bandra slaughter-house ought to be put in a lunatic asylum. But putting them in a lunatic asylum will not help the question.

The Honourable Member in Charge drew an amusing picture of the difficulties in devising a new section in the Penal Code by which unnecessary slaughter of cattle could be made penal. I was not bold enough at any stage in my opening speech to recommend that it should be made penal. But what I submit is that if after an enquiry it was found necessary to make it penal, it was only a question of drafting, if the Government thought it necessary and the country concurred in it. The difficulty of drafting anything has never been insuperable. As a matter of fact, we ourselves know that most difficult looking things have been put into legal form and drafts. But might I ask the honourable member a simple question? Suppose that unnecessary or unwarranted slaughter of cattle is made penal, would it be difficult to enforce this or to detect such a crime? Is the Government not able to enforce prohibitions regarding illicit possession of opium, bhang, ganja, and in the Bombay City, tobacco over a certain weight? Has the Government not been able to prevent salt being made in the wild runns of Cutch and Marwar? Sir, I submit, if Government have a will to do a thing, they have the way to do it well. If the country wants it and if Government have the will, I do not think there is any difficulty in putting any reasonable enactment in legal form.

The Honourable Mr. Lawrence has very rightly stood up for the department which has charge of this subject. He seemed to think that I wanted to run down the department. I never ran down the department that has charge of this question. What I did say was as regards Government's general apathy in the matter. I said what I did with the object of spurring on the department to do more than it has done, and I hope my honourable friend and also the Honourable Member in Charge will not think that I had any intention of running down the department. I feel that the Bombay Government has been the best of all provincial governments in India in many directions, but that does not prevent us from asking that we might have a still better and more up-to-date policy followed by them

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in this subject. I do hope that the Honourable Member in Charge and the Bombay Government will not think that I do not appreciate what Government has done till now, and merely wish to criticise; but we are here not so much to tell the Government "Bravo" for all that they do, but to make suggestions to Government wherever it may strike us in our humble opinion that they can do better.

The Honourable Mr. Lawrence told us that there are several breeding centres in the Presidency. I certainly know that there are a few of them. But I feel that there have never been anything like enough breeding centres in the Presidency. I do not remember the actual figure that the Honourable Mr. Lawrence mentioned when he made the Honourable Mr. Paranjpye count the quantity of grass that would be required for about 9 millions of cattle. But if there are anything like 9 millions of cattle—I am speaking subject to correction—I would ask the Honourable Mr. Lawrence how many Government cattle breeding centres there ought to be in the Presidency, and how many there are? The Honourable Member in Charge did mention Chharodi. Yes, that was one; but how many more Chharodis have you got, sir?

The Honourable Mr. G. S. Curtis :—There are two others. Tago and Karachi.

The Honourable Mr. Purshotamdas Thakurdas :—I should be very sorry, sir, to have to criticise Government again, but I do wish and hope that you will not take amiss the suggestion that I make here. You began with Chharodi nearly 21 years ago, and at the end of 21 years we do not want you to point only to the Chharodi farm and one or two others, but we would like you to be able to say that you have multiplied the number of cattle farms twenty fold after all this time. Of course we know that the institute at Rome to which the Honourable Mr. Lawrence referred, and to which the Honourable Mr. Munmohundass Ramji also referred, is an international bureau for the collection of statistics of all countries. I suppose what the Honourable Mr. Munmohundass Ramji meant to say was that it is a pity that for purposes of the cattle figures of India we had to refer to what has been compiled in Rome. What the Honourable Mr. Munmohundass Ramji meant was that he expected that the Government of India had figures that were more readily available and more precise.

Now, sir, the Honourable Mr. Lawrence also tried to tell the Council how very difficult it was to provide for any sort of fodder storage. I do not know why neither the Honourable Mr. Lawrence nor the Honourable Member in Charge referred to the question of the encroachment on cattle pasturage, which is of course in deference to the demand for more land being made available for cultivation. I can only think that it must have escaped the honourable member's attention, when he had to deal with so many points. The question of fodder storage is a question, which, I submit, does not need any proof as regards the necessity for action. The large military operations that have been carried on since the outbreak of the war in this connection, and the lakhs of tons of grass which have been exported, are, I think, sufficient reply to the practicability and the advantage of the whole of this question.

You, sir, have referred to the possible difficulty of negotiating with Native States in this connection. We all know that whenever there is an all-India question, Native States generally fall into line with any policy that the Government of India may adopt. But, sir, instead of having the Native States having to follow the Government policy in this connection, they may have by themselves, without any initiative from British India, already put into action restrictions on slaughter of cattle, and latterly also regarding export of cattle from their limits. Why magnify any small trouble that you might have to encounter in making a start? I think it can very fairly be said that the greatest difficulty in this matter will never come from the Native States. It is for British India to make up its mind.

It was stated in the course of the Honourable Mr. Curtis's reply that Government cannot be a party to any visionary proposals being submitted to the Government of India. I did not want to interrupt you, sir, while you were speaking. But I do wish you had indicated to me what part of my resolution you felt as visionary. I may safely say, sir, that I feel that the whole aspect of the resolution is a practical one, and the only difficulty or the only vision if I may so call it, that has been pointed out to me is that the whole process is much too slow. My honourable friend Mr. Lalubhai Samaldas and the Honourable Dewan Bahadur Godbole do not believe in committees. I suppose that is so, because, they have both been members of important committees before now; I think one was on the pilgrim committee, and the other on the co-operative committee. Except these two gentlemen, everybody else has felt that there would be considerable use

CATTLE QUESTION: COMMITTEE—MUNICIPAL EDUCATIONAL EXPENDITURE—DIVISION OF KHANDESH—URDU COLLEGES.

Mr. Purshotamdas Thakurdas; the Vice-President; Mr. S. B. Upasani; Rao Bahadur S. D. Garud.] [28TH SEPTEMBER 1920.]

of the deliberations of an all-India committee considering this question. Any way, I should have liked to know as to what part of my resolution was felt to be visionary.

The Honourable the Vice-President (Sir G. Carmichael):—I would like to remind the honourable member that he is supposed to address the chair.

The Honourable Mr. Purshotamdas Thakurdas:—I meant to address the chair all the while.

The honourable member, sir, referred to some famine cattle as having been exported. I suppose he was referring to a matter which took place 18 months ago. I think the Government of India have admitted that the export of cattle complained of does not refer to famine cattle. The main question is as regards the export of cattle to Brazil, and I wonder if the Government of Bombay have any doubt about Brazil taking away the best breed of the cattle in the Bombay Presidency. I would like to refer to the Honourable Rao Bahadur Sarma's reply to a question only the other day in the Imperial Council. He says:—

> "After a careful consideration of the question from all points of view, the Government of India have generally accepted these conclusions....."

The Honourable the Vice-President (Sir G. Carmichael):—I would like to bring to the notice of the honourable member that he has been speaking for over 20 minutes, while the time allotted to him for his reply is only 15 minutes.

The Honourable Mr. Purshotamdas Thakurdas:—I will read only a few more lines. The Honourable Rao Bahadur Sarma goes on to say:—

> "The Government of India, generally accept these conclusions, but they have addressed the local Governments and administrations impressing upon them the desirability of keeping a careful watch on the nature of the animals exported."

In reply to a supplementary question that I put yesterday, the Honourable Mr. Curtis told the Council that there is no check exercised on the export of cattle. Thus what the Government of India think is being done in the provinces is not being done, namely, the nature of the cattle that are being exported is not being carefully watched.

There is only one more observation that I wish to make. I do not in the least minimise the fact that private enterprise has been very slow. I do not want Government to take up the breeding of cattle. I only want Government to provide centres where people who want to get their cows or buffaloes bred in a proper manner can do so. The Honourable Mr. Macnaghten seemed to think that although I was advocating that private enterprise could run a business cheaper than Government, still I wanted Government to undertake the breeding of cattle, or the running of dairies. I have never advocated that. I hope that the Council will accept my resolution.

The resolution was put to the vote and carried.

The Honourable the Vice-President (Sir G. Carmichael):—Resolution No. 5. The Honourable Mr. Upasani.

This Council recommends to His Excellency the Governor in Council that Government be pleased to share two-thirds of the expenditure incurred by municipalities on education.

The Honourable Mr. S. B. Upasani:—Mr. President,—I beg to ask for permission to withdraw the resolution.

The resolution was by leave withdrawn.

The Honourable the Vice-President (Sir G. Carmichael):—Resolution No. 6. The Honourable Rao Bahadur Garud.

This Council recommends to His Excellency the Governor in Council that a committee be appointed to consider the question of readjusting the existing division of Khandesh for revenue and judicial purposes.

The Honourable Rao Bahadur S. D. Garud:—Mr. President,—I would ask for permission to withdraw this resolution.

The resolution was by leave withdrawn.

The Honourable the Vice-President (Sir G. Carmichael):—Resolution No. 7. The Honourable Sardar Gulam Jilani.

URDU COLLEGES—SUBDIVISION OF AGRICULTURAL LANDS.

[28TH SEPTEMBER 1920.] [*The Vice-President; Sardar Gulam Jilani; Sir Ibrahim Rahimtoola.*]

The Honourable the Vice-President (Sir G. Carmichael):—Resolution No. 7. The Honourable Sardar Gulam Jilani.

"This Council recommends to His Excellency the Governor in Council that the Urdu Training Classes at Poona and Ahmedabad be immediately developed into full training colleges, and located in hired buildings till such time as new ones are constructed."

The Honourable Sardar Gulam Jilani:—Mr. President,—Owing to the inadequacy and paucity of trained Mahomedan teachers, Urdu schools can never attain any degree of efficiency. This difficulty can only be overcome by opening fully developed training colleges. At present, only about 120 teachers are being trained in the Ahmedabad and Poona training classes, this number being a fraction of what is actually required. I may be allowed to urge that if this resolution is adopted by this Council, the two training colleges referred to, at Ahmedabad and Poona, would probably turn out at least 500 trained teachers every year to meet the daily increasing demands of the Urdu schools.

The suggestion of locating the training colleges in hired buildings is, I beg to submit, not an unusual one. The present training college for men in Poona city was accommodated in a hired building just as is the case with the training college for women, the camp English school, and the Urdu Central Girls' School, Poona. Moreover, numerous training institutions, I understand, that have been lately started in different districts, are located in hired buildings.

It will take at least three or four years if we wait till the proposed buildings are erected, and in view of the political advancement of the country, I may be permitted to say that the education of the Mahomedans should keep pace with the progressive spirit of the times. Things are moving so fast that we cannot afford to lose time. The present arrangement is very unsatisfactory. The Urdu training class here is attached to the Marathi training college, where the principal has more administrative control over it than the head-master, who is only a figure-head, as he has no free hand in the general management.

The Urdu training class at Poona has no third year class added to it, and the consequence is that no third year Mahomedan teacher is yet available. As a rule, it is a third year man that is put in charge of a full primary school; hence the crying need for opening a third year class in Poona.

Owing to the insufficient accommodation and the discomfort experienced both by the teachers and the students, I do not hesitate in submitting to this Council the urgent necessity of removing it to a hired building.

The practical teaching has been suffering since the very commencement of the Urdu training class in Poona, as the practising school is situated at a distance of a mile and a half from the training college, owing to which circumstance the pupil teachers are greatly handicapped.

It is true that there is no possibility of starting a practising school in the vicinity of the training college, where there is no Mahomedan population; hence the necessity of locating the Urdu training class and the practising school in a hired building and in a Mahomedan locality.

The Honourable Sir Ibrahim Rahimtoola:—Mr. President,—Government recognize the desirability of providing the same standard of trained teachers for Urdu schools as they are providing for other vernacular schools in the Presidency. It is but right that all the vernacular schools should have the benefit of the third year trained teachers as is the case in regard to Gujarati and Marathi schools. They, therefore, propose to accept this resolution if the honourable mover agrees to amend it to the following effect:—

This Council recommends to His Excellency the Governor in Council that the Urdu Training Classes at Poona and Ahmedabad be developed into full training colleges, as soon as satisfactory arrangements for accommodation can be made.

The Honourable Sardar Gulam Jilani:—I accept the resolution in the modified form.

The resolution as amended was put to the vote and carried.

The Honourable the Vice-President (Sir G. Carmichael):—Resolution No. 9. Dewan Bahadur K. R. Godbole.

"This Council recommends to His Excellency the Governor in Council that legislation should be adopted in this Presidency towards checking the excessive subdivision of agricultural lands that is taking place."

SUBDIVISION OF AGRICULTURAL LANDS.

[*Dewan Bahadur K. R. Godbole.*] [28TH SEPTEMBER 1920.]

The Honourable Dewan Bahadur K. R. Godbole:—Mr. Chairman,—The resolution of which I have given notice has been read out to the Council, and I wish to make some remarks in connection with it. This resolution has been brought before this Council now for the third time. The first attempt made to place this matter before the Council was in March 1916 on which occasion I advocated the appointment of a committee to consider this important question. The Council threw out my suggestion on that occasion, but evidently the matter attracted the attention of Government and the Honourable Mr. Keatinge brought forward a bill dealing with the subject, which he called the Economic Holdings Bill. That bill was, in my estimation, a very feeble measure which would have led to no tangible results, and, therefore, I tried to bring the matter again before the Council in July 1918. On that occasion the discussion of the matter was postponed to enable the honourable members to study the Honourable Mr. Keatinge's bill and the report of the Baroda Commission. The adjourned debate took place in the September 1918 session of the Council. On that occasion also the motion for the appointment of a committee was thrown out by the Council.

The evils of excessive subdivision and fragmentation of land have been before this Council already, and I do not, therefore, wish to recapitulate them on the present occasion. But I might tell the Council that the Board of Agriculture that met in December 1917 in this Presidency thought this matter very important, and they recommended to the local Government that they should take up this question. Again I would remind the Council that Dr. Mann, the principal of our Agricultural College, made enquiries into the economic condition of a Deccan village near Poona and he found that it was not satisfactory, one of the main reasons of the unsatisfactory condition being this excessive fragmentation of land that has been taking place. I have given to this Council a number of heart-rending instances of subdivision, subdivisions extending to half a guntha and in some cases even to a smaller area. On account of this excessive subdivision lands have gone out of cultivation, and I have quoted to the Council some instances of this nature. The expert opinion is that the agricultural produce of land in certain parts of the Presidency would be double of what it is at present if this evil of excessive subdivision did not exist. The Honourable Sir George Carmichael, our chairman to-day, was rather dubious about this point when I brought it forward at first, but even he, I think, is now convinced that the evil is pronounced, and is really an evil which must be tackled. The Honourable Mr. Keatinge has given, in the statement of objects and reasons of his bill, the great evils that have resulted from the excessive subdivision of lands. Mr. Keatinge's bill was referred by Government to their revenue and judicial officers for opinion, and in response to that reference 19 revenue officers and 11 judicial officers of Government have submitted their reports. The reports have been before the Council. They are all unanimous in stating that the bill as drafted by the Honourable Mr. Keatinge would be practically of very little value, and that the question must be tackled in other ways than those proposed by him. One of the judges of the High Court, the Honourable Mr. Justice Marten, considered that the subject was so important that it should be referred to a commission specially appointed for the purpose. Some of the officers consulted have said that the present Partition Act of 1893 might check this evil to a certain extent. I submit to this Council, however, that the relief afforded by this act would be of a very temporary character and will last for a single occasion only. On the second occasion when the question of succession comes up, the land will again be subjected to the sections of this Partition Act, and in this way encumbrances created on the land will mount up, which would make the solution of the problem in this way unworkable. So, the Partition Act is not the real solution of the difficulty at all. The question must be tackled boldly, and we must be prepared to over-ride the laws of succession that prevail in this country, to a certain extent. When the process of subdivision has gone on down to a certain limit, then legislation must step in and must stop further subdivision taking place in accordance with the laws of succession as they prevail in this country. That is the only effective way of tackling this evil, and, I think, the intelligent sections of our Indian communities are quite prepared to accept legislation of this character. Some of us are quite prepared to say that the younger sons of our families, rather than stick to small pieces of land which yield them nothing, should go out of their villages and carve out careers for themselves. The youth of European countries have benefited largely in this way. They have gone to Australia, to East Africa, and have founded new colonies, thereby benefiting themselves and their country also. On analogous lines, when the subdivision of land has gone on to a ruinous extent. I am prepared—and I believe many of my honourable friends here are prepared—for the position that the youth of the country ought to relinquish their uncultivable minute land-holdings and carve out new and more profitable careers for themselves rather than

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stick to ancestral villages and do nothing there that will benefit the country or themselves. I have, therefore, drafted what I consider to be a scheme of legislation that should be adopted. It is a tentative scheme, and is intended to show the way in which legislation should proceed to secure the objects in view. The scheme has been printed and is already in the hands of honourable members.

The first thing that I want to do is to institute in our Land Revenue Code another system of land tenure, which I would call the impartible holding tenure. In connection with this impartible tenure, different portions of the Presidency will have to be differently dealt with. The rice lands, the bagayat lands and the jirayat lands will have to be differently dealt with. Different districts also will have to be differently treated. So, what I propose is that the Collector of a district in consultation with the district local board as representing the popular voice should say what should be the limit of this impartible holding in his district. In Ratnagiri for instance, in the case of rice lands the limit will be, say, five gunthas. In the case of bagayat lands in the Poona district, in the canal areas and elsewhere, the limit may be laid down as one acre. In the case of jirayat lands like those of Bijapur and Dharwar, the limit may be put down as 5 acres. This is, however, a question of detail which ought to be settled by the revenue authorities of the district in consultation with the district local board.

When these impartible holdings have been instituted, the second condition that I would impose would be that the holding created should not be liable to partition under the laws of succession that prevail in this Presidency. No fresh interest of any party except the holder should be created in that land. The impartible holding should absolutely be the property of the tenant for the time being.

The holder should have the right to transfer his land by will, but in the case of intestacy some method will have to be devised whereby the succession to that piece of land will pass to a single individual only. We will have to adopt the principle of primogeniture; that is, the eldest son of the holder that dies, will inherit the piece of land constituting the impartible holding and the younger sons and other members of the family will have no right to it. The Council has to remember that the pieces of land forming impartible holdings will be very small pieces—five gunthas in Ratnagiri, one acre probably in our canal areas, and five acres in jirayat areas. So, when it comes to a succession of the impartible holding by primogeniture, the succession will not mean any very heavy loss to the younger sons of a family.

Then the third proposal that I want to make is that it should be obligatory on Government that all lands to be given for cultivation in future should be given out on the principle of impartible holding tenure. I am told that there is great scope in Sind for the exercise of this provision. A good lot of land is to be given out for cultivation in Sind and the evil of excessive subdivision and fragmentation of land that has sprung up in the Presidency proper will be stopped in Sind if this principle of impartible holding tenure is brought into operation there at an early date. The new tenure will specially benefit Sind; it will benefit the Deccan and Southern Maratha country tracts also in the case of unoccupied lands and lands to be disforested hereafter. In future no land should be given out for cultivation except on this principle of impartible holding tenure. All the authorities and officers that Government have consulted in connection with the Honourable Mr. Keatinge's bill have stated that this third proposal that I am making is quite practicable and that there is not the slightest objection to its being adopted.

The next suggestion that I have made is contained in clause (*d*) of my scheme and relates to the case of lands that have been thrown out of cultivation, successively for a series of years on account of excessive subdivision. In such cases the Collector should have the right to intervene and should tell the holders of the land "Here is a valuable piece of land you have allowed to lie idle year after year for 10 years. You cannot utilize this land, and therefore, we will take it up, compensate you for it, divide the land into impartible holdings and thus bring the land into use". It is in my opinion absolutely necessary that some position like this should be taken up if the interests of the Presidency are to be safeguarded. I hold that in these days of world competition we have to compete with European countries in commercial and economic problems and we must make the most of our agricultural assets. This is rather a drastic and startling proposal, but I would adopt it in the interests of the well-being of the whole Presidency.

The last suggestion that I have made is that when the Collector in response to the decree of a civil court proceeds to the partition of land according to the Partition Act of 1893, he should be guided in this division by the principle of impartible holding tenure as fixed for the district. He should parcel out the land into impartible holdings

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in accordance with the new tenure, and should give the holdings to the parties that have been dispossessed as far as practicable. There will be no injustice involved in this arrangement provided the parties concerned agree, as in most cases they probably will. This is the legislation that I have put forward. I must tell the Council that I have put forward this scheme as an amateur and that there are probably a number of flaws in it, and that the legal members of this Council will consider some parts of my scheme to be not very sound. I am prepared to admit that the scheme is capable of revision, and amendments may be suggested. What I want is that the Council should admit this evil of excessive subdivision and fragmentation as an evil that has to be faced, and the Council should further admit that the only way in which this evil can be satisfactorily faced will be by amending the laws of succession that prevail in this country, to the requisite extent. After a number of partitions the subdivision of land will reach a stage when further partition will become impracticable. What I want is that when the subdivision reaches the stage of what I call impartible holding, then there should be no further division according to the Hindu and Mahomedan Laws and other laws of succession. A survey number of ten acres may be divided time after time until in the case of rice land the division comes to five gunthas. But as soon as that limit of five gunthas is reached, then the legislature should step in and prevent any more subdivision of the same. This is the principle that I want the Council to adopt, and some scheme of legislation on these lines should be formulated in this Presidency, otherwise this growing evil will not be stopped. I do not want to interfere with the existing rights in land that prevail in the Presidency, and I do not want to dispossess any one of the rights that he has acquired at present. But what I do want is that in future when Government give land for cultivation they should admit this principle of impartible holding, after a certain stage in the subdivision has been reached. With these remarks, sir, I trust that the resolution before this Council will be accepted. I also hope that the Council will accept the main principles which I have laid before the honourable members, in dealing with the resolution.

The Honourable Rao Bahadur S. D. Garud:—Mr. Chairman,—I am afraid I cannot support the resolution which has been moved by the Honourable Dewan Bahadur Godbole. In the first place this is a proposal which involves the introduction of changes in the Hindu Law and the Mahomedan Law, and also the law of succession. These are matters which can be dealt with only in the Imperial Legislative Council. I think the changes which the honourable mover advocates will have far-reaching effects, and they ought not to be introduced lightheartedly. Then the evil to which he has referred is, I think, not quite so widespread as he tries to make out. The evil as he has tried to make out is, I think, rather exaggerated. There are very few cases in which the lands have been subdivided, to such an extent as to make that small holding uneconomic, and if lands were divided in that manner then there would be two courses open to the cultivator. He would either have to go in for intensive cultivation where a few acres would be quite enough to maintain a family, or he would have to allow the land to remain uncultivated. If the cultivator insists upon having this small and minute subdivision the result of this minute subdivision is that if the cultivator cannot go in for intensive agriculture, he is quickly bought out by the local money-lender and that is how the lands have found their way into the hands of capitalists of the locality. If on the other hand he takes up intensive cultivation there are several forms of cultivation which can very well be taken up profitably, and which need not make the minute subdivision an uneconomic holding. I therefore think, sir, that the changes which the honourable mover advocates are hardly necessary at the present moment, and I do not think our Council will be justified in taking up legislation which would make radical changes in the personal law of the large masses of the country.

The Honourable Mr. R. P. Paranjpye:—Sir, I heartily support the resolution brought forward by my honourable friend Dewan Bahadur Godbole. I had also accorded him my hearty support when he put forward this question last time about three years ago, and I congratulate him upon the very great persistence and tenacity with which he has handled this question. I have only one slight doubt as to the propriety of his bringing forward this question at the last gasp of our Council. It is obviously not possible for Government to undertake a very complicated piece of legislation in this session of the Council which is the last of our Councils under the old régime, and except possibly giving a lead to the public and having some discussion in the public press, I do not believe that a resolution like this even if carried by this Council would have much practical effect. I myself think that the new Council would probably be the better place to

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tackle this question. In the first place there will be a very large majority of elected members, and the popular opinion will be better able to have its say upon this matter, and we hope that our friend the Honourable Dewan Bahadur Godbole will be a member of that new Council, and that he will be able to take up this question in right earnest, and bring forward a bill for the purpose. But I think that at this time of the day any discussion on the principle underlying my honourable friend's resolution is practically ineffective.

It is with great surprise that I understand my honourable friend Rao Bahadur Garud to say that the evil is not so great. The Honourable Dewan Bahadur Godbole in a very able speech on the last occasion gave a detailed statement about the extent of this evil. It may not be so perhaps in the district of Khandesh where the holdings are mainly comparatively large and where they might be most of them economic, but in the other parts of the Presidency a large number of holdings are so exiguous that it is very uneconomic to cultivate them, and on which account a good part of the land has almost gone out of cultivation. I know that in the district which is my native place the evil is exceedingly widespread. In the district of Ratnagiri, to which the Honourable Dewan Bahadur Godbole referred, the holdings have become so small that many of them could hardly be properly cultivated. In the village from which I come I can count only a very few holdings which are really economic, and which would maintain a family who works its own land in a fairly comfortable state. I do not want to encourage by legislation a class of big capitalists and landlords. I leave them to take care of themselves, but I would like legislation to stop partition when the holdings are going below a certain size below which it would be in fact uneconomic to cultivate the land. Members of a family that has such a holding will probably have to go out to keep themselves for the whole year, and, I think, it is not right for our system of law to encourage people to depend upon two different occupations and in this manner they will probably not do either satisfactorily.

Well, I think, that the evil is very widespread and on account of our law of succession the evil is getting more and more intense. This fragmentation of holding is going on in various ways. I know of a case in which one man had got three different betelnut gardens in a village adjoining mine. Each of them was a fairly good economic holding. He had three sons, and the proper arrangement would have been to divide them into three different holdings and hand them to one son each and make, if necessary, some monetary adjustments to equalise their shares of the inheritance. What the three sons did was that each took one-third of each garden, and consequently all these three gardens eventually fell into such a bad state that they could no longer be economic holdings, and none of them was properly cultivated. This is not the only one illustration. Many more illustrations could be given. If my honourable friends will read Dr. Mann's report on a typical Deccan village, they will find that it is shown therein that most of the poverty that is found there is due to this fragmentation of holdings. The steps that the Honourable Dewan Bahadur Godbole has proposed are entirely permissive, and in fact at the present stage we cannot go in for any measure of compulsion. But certainly the State, seeing that it is better to encourage economic holdings ought to provide a permissive measure in order that holdings of a particular size shall not be divided. The suggestions which the Honourable Dewan Bahadur Godbole has put forward are worthy of very serious consideration. The objection that my honourable friend Rao Bahadur Garud has brought forward about the effect of Hindu Law and so on is an objection which we all know about, but for a Legislative Council it is not right to say that there are these objections, and, therefore, we should sit with folded hands and do nothing; I say that the Council is the proper body to make changes in the law whenever necessary. We have in our land revenue system occasionally interfered with our old methods. I think the method suggested by the Honourable Dewan Bahadur Godbole is one which is worthy of consideration, and on the lines of which the Council should undertake proper legislation. I myself think that it is a very great pity that the tentative bill which was put forward by Mr. Keatinge was not carried. I think it would have done a very great amount of good if that bill had been proceeded with. I do not know but I rather think that it was the Government of India who came in the way and that that is why the bill was not proceeded with. In these days I think our law must progress. It will not do to say that our Hindu Law is like the law of the Medes and the Persians; it must change according to the necessities and circumstances. Shortly we will have the reformed councils and they should have the right to change the laws according to circumstances. I think a kind of primogeniture system will have to be introduced. It will not do to say that primogeniture is something quite unknown in India and that it is an institution of the West. There are several

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matters which we have copied from the West, and in the same manner we might possibly have legislation as regards the primogeniture system.

Again, even if some people voluntarily agree to forego their rights on uneconomic holdings, there is no guarantee that in the next generation the same thing will happen. If the Council will permit, I might mention that even in my own family my father had an economic holding, which was enough to maintain one small family. Now we were four or five brothers and we brothers thought it right, being carried away by these new ideas, to say that we would forego our respective rights in favour of one brother. We did this by an actual deal. But there is no guarantee that the brother who has got the holdings will not have a large number of sons between whom that holding will again be divided up, and all our ideas of having an economic holding will be frustrated in a very few years. I think, therefore, that if a permissive legislation on these lines were introduced and passed, the effect of it on some lands at least would be of very great value. Of course, in various parts of the Presidency the size of an impartible holding would have to be considered having regard to the different kinds of lands, whether they are rice lands or bagayat lands, and so on. But this size could be determined by revenue officers taking all the circumstances into consideration. I think there would be no difficulty in pushing forward legislation of this kind. As I say, the whole difficulty is that in this Council such legislation cannot be undertaken, and I do hope that my honourable friend Dewan Bahadur Godbole will be in the next Council to carry out a measure of this kind.

The Honourable Mr. G. K. Parekh:—Mr. President,—I agree with my honourable friend Mr. Paranjpye that this is really a most inappropriate time for bringing in this resolution. Here is a matter in reference to a custom which prevails generally in the country, an evil which has long existed, and I think, a Council which is more representative of the views of the people would be the proper Council which ought to deal with this question. My honourable friends, Dewan Bahadur Godbole and Mr. Paranjpye, have their own peculiar views derived from their studies and their previous occupations, and they suppose that uneconomic holdings are bad for the people. To me it appears that uneconomic holdings are to some extent beneficial inasmuch as they contribute to the producing of Paranjpyes and Godboles, I do think the large enterprise shown by the Ratnagiri people in coming to Bombay, the hard work that they do, and the way in which they help the industries of the country, are all the results of uneconomic holdings. I can understand Brahmin gentlemen thinking of disposing of uneconomic holdings, but I really cannot understand that such a proposal would appeal to the ideas of the agriculturist, the ideas which are common to all the agriculturists in the country. It may be that in an uneconomic holding there may be a certain amount of loss. Perhaps there may come a time when we may learn something of intensive cultivation when what are now supposed to be uneconomic holdings may become really valuable. But apart from it, looking to things as they now exist, may I ask whether it is not likely that the evils that may arise from the destruction of these holdings may not be much greater than the evils which are sought to be removed? Would it be in the interests of the country, in the interests of the cultivators, that one son should take all the property of the family and all its debts? Now look at the condition of a man who has to pay these debts. We know many of our agriculturists are in a very indebted condition; would it be a good thing that instead of each one having to pay a small debt one man should have to pay a very large debt and a very large amount of interest on it. Then, there is a certain amount of pride or attachment felt by these people who are the holders of land, even though the lands may be small pieces, and I should think that it would certainly be very harmful if a large number of these people are driven from the position of landholders to that of day labourers. In my opinion this is not a thing which is likely to be palatable to the people for whose interests the proposal is made, and I do not think it would be appropriate that the resolution should be accepted at present.

The Honourable Mr. C. V. Mehta:—Mr. President,—I quite agree that the reformed councils would perhaps be better placed for handling a resolution of this character. Nevertheless, sir, we have spent several years on the consideration of this serious problem. I believe that the Honourable Dewan Bahadur Godbole brought forward a resolution of this character many years ago, and while we have been hammering at it for such a long time, we should at least like to hand over to the reformed Council a resolution expressing our opinion that some action is now urgently necessary. In this connection, sir, it would be interesting to know what has happened to the modest but efficient bill, prepared by the Honourable Mr. Keatinge. It seems to me, sir, that the bill was prepared carefully and

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that some legislation on those lines would be the most effective way of meeting this undoubted evil, and as in the future land revenue is going to form part of the reserved subjects, it might be as well if this Council were to express their opinion that such legislation was necessary.

I ask, sir, whether at this time of the day it is really necessary to argue that excessive subdivision is not an evil, even though it might have, according to the Honourable Mr. Parekh, produced a Paranjpye or a Godbole. It seems to me that if the Honourable Mr. Paranjpye or the Honourable Dewan Bahadur Godbole had devoted his attention to land, he might probably have found some remedy for the cattle problem which we discussed so seriously this afternoon. I do not think that that is any reason why this great evil should go unattended, and if an attempt were made to improve some of the provisions of Mr. Keatinge's bill, if necessary, with the help of the Honourable Dewan Bahadur Godbole and others who have taken a keen interest in this matter, I have no doubt that some kind of permissive legislation could be designed, which might be put on the statute book, which would be taken advantage of in practice, and which would go a small but certain way in improving this great evil.

The Honourable Rao Bahadur G. K. Sathe:—Mr. President,—I rise to give my cordial support to the resolution moved by the Honourable Dewan Bahadur Godbole. This is probably the third or the fourth attempt of my honourable friend in tackling this question, and I do not agree with my honourable friend Mr. Paranjpye when he says that this is rather an inopportune time to take up such a complex question. If we once admit the evil of excessive subdivisions of lands, then we need not fight shy of the fact that because we are at the close of this Council, therefore, we should not take up this legislation. There is the greater reason for us to set a seal of approval on a resolution like the one which my honourable friend has brought before this Council, so as to make it easier for the reformed Council to tackle this question.

When I support this resolution, I am conscious of the fact that the agriculturists in the mofussil have great attachment to their land. But, is that the only reason why we should not accord our approval to the resolution? This attachment makes them stick to their places, and sometimes the effect of it is that they do not get a sufficient maintenance for the year, and they have to find out some kind of work for six or eight months out of the year. So, the practical result is that the land is not improved. The land does not give adequate return for the subsistence of the land-holder, and his family, and he has to seek for a livelihood somewhere else like the labour centres of Bombay and Ahmedabad.

The Honourable Rao Bahadur Garud put forward an objection on the score that we will be entrenching upon the rules of succession according to Hindu and Mahomedan laws. But we need not do that. What we can do is to compensate the sharers who have a right to inherit the property according to Hindu or Mahomedan law, by money compensation. There is a similar provision on the statute book, namely, Act IV of 1893, which prescribes a certain mode of partitioning house property, when the share is too small and the persons laying claim to these shares are too many. If there is such a provision already on the statute book, what objection should there be to have a permissive piece of legislation when we admit the evil and when it is necessary to find out the remedy to remove that evil? This is not the only case where we set aside the rules of succession according to ordinary Hindu and Mahomedan laws. People have been used to special modes of succession so far as saranjam property is concerned or hereditary watans like Deshpande and Deshmukhi are concerned. There the eldest son succeeds to the property. When the legislation is going to be permissive, several sharers can surely arrange by private agreement between themselves as to how to get over the difficulty, by compensating one or the other by paying money compensation.

Then there is one more point which I wish to refer to while I am on this subject. The Honourable Mr. Paranjpye gave an instance of three garden lands having been divided each into three parts by three sons. When land paying assessment to Government is divided under the decree of a court, what I usually find is that the officers to whom this class of work is entrusted do not really divide according to the convenience of the parties, but the general tendency is to divide each plot into as many portions as there are sharers. This is a case in which if greater care is taken, the evil will be remedied without any legislation. That only shows that if in the proposed legislation, which will be undertaken after a good deal of scrutiny, provision is made as to how these divisions are to be made, how the several sharers are to be compensated, and in what cases this rule is to be applied, there should be no apprehension of any opposition coming from the people on the ground that this legis-

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lation is going to supersede or tamper with the ordinary rules of succession, both in Hindu and Mahomedan laws. With these words I beg to support the resolution.

The Honourable Mr. B. S. Kamat:—Mr. President,—While according my support to the resolution of the Honourable Dewan Bahadur Godbole, I feel, sir, that the discussion of this question would have been helped a great deal, if Government had come forward at this stage with an expression of their views as to why the permissive legislation proposed by Mr. Keatinge has been kept back. I believe the evil of uneconomic holdings has been admitted on all hands; the remedy that has been suggested by the Honourable Dewan Bahadur Godbole was formulated in the shape of a bill by Mr. Keatinge. Now, we want to know on what grounds either the Government of Bombay or the Government of India have been keeping back the bill. It will help the solution of this difficult problem better at the hands of the next reformed Council, if we are in a position to know the reasons and the grounds on which the remedy suggested by Mr. Keatinge has not been taken up. It would not be worth while, I think, for this Council to go round and round the same question for any length of time. What we want to know is, what are the fears or the objections, either on the part of the Government of Bombay or the Government of India, regarding the proposed legislation. If those reasons are given out to us, and if the public of this Presidency is taken into Government's confidence, I believe that the next Council will handle this question better. I, therefore, request Government to make a statement of their views regarding the proposals of Mr. Keatinge.

The Honourable Mr. S. B. Upasani:—Mr. President,—I regret I cannot accord my support to the resolution as it stands. I do admit that the evil of excessive subdivision does exist to a certain extent, and that some measures should be taken to check that evil, but I cannot support the suggestion for legislation on the drastic lines that are indicated by my honourable friend. I think, so far as public opinion is concerned, the time has not yet come for interference in the laws of succession both as regards the Mahomedans and the Hindus, which have prevailed for so long a time. The evil which is now complained of was not experienced before, and, I think, it is more due to the feeling of individualism that has been generated in recent times, and in part to other economic causes, over which, I think, the proposal will not have any effect, than to the operation of the Hindu or the Mahomedan law of succession. The old order was that the property should continue to be joint and held by a joint family, and sales were not allowed. Since the introduction of British rule, the sale of landed property has been made easier. It is now too late to go back and to stop it, nor is it possible, I think, to readjust the numerous divisions and subdivisions which have already taken place.

The difficulty will be the greater in the case of lands which form the only means of a livelihood to the people. It is the existence of these lands in the family that enables members to earn some living, and if it is proposed to take away the land the family will be deprived of the only means it may possess for its credit and for maintaining itself. The suggestions of the Honourable Dewan Bahadur Godbole, if carried into effect, will only still further accelerate the transfer of property from the hands of these poor people who still cultivate them to those of the capitalists who cannot cultivate them themselves. The best way for us to proceed would be to create new industries which will afford new outlets for employment and offer inducement to the people to leave their lands. Then they could find other means of livelihood, but without the industrial development, we should not ask the people to leave their lands. I do not think that anything has been done in the mofussil with regard to industrial development in the areas where excessive subdivision of land has taken place. It is very easy for us to put the law on paper, but we have to consider beforehand what will be the effect of its operation? The conditions in India are not the same as those in the West. The operation of the law of primogeniture has not been an unmixed blessing even in the West, and we know that several subterfuges have been found there to get out of it. Moreover, the question of making provision for the younger members of the family is not so difficult in the West as in our country. How many families in our own country are in a position to make that provision? Even the rich Chiefs and Jahagirdars cannot do it to the satisfaction of the junior members of the family. If you put the land to auction as between the sharers, how many of them will be able to pay down the money? They will naturally go to the sowcar, and what will be the effect of going to the sowcar? The effect will be that instead of one or more members of a family having the land in their possession, all the shares will ultimately go into the hands of the sowcar, and the evil will still continue further. It is proposed in the resolution that if for a certain number of years a man is not able to cultivate his land, we should take it away from him. If I keep my house locked up

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for a time, should Government be asked to take it up, put it to auction and give it to a man who will make use of it? I think these principles are far in advance of the conditions which are yet prevailing in our society. I think socialistic doctrines have yet to invade our country, and I do not think it will be wise for us to proceed as rapidly as is indicated in the resolution put forward by my honourable friend.

On the last occasion when the honourable member brought forward a similar resolution on the subject, it was in a more modest form. He then proposed only the appointment of a committee to enquire into the matter. But even that modest resolution did not meet with the support of either the Honourable Member in Charge or of the Council. Now, instead of suggesting something which would be more acceptable, my honourable friend makes a proposal for a very drastic piece of legislation which, I am sorry, I find myself unable to support.

The Honourable Mr. G. S. Curtis:—Mr. Chairman,—I regret to say that Government finds itself unable to accept this resolution moved in various forms, for, I think, a fifth time, by my honourable friend Dewan Bahadur Godbole. I will state my reasons why, shortly. As various honourable members have said, very great labour and very great pains were taken by the Honourable Mr. Keatinge in drafting a bill which was put forward two years back. I did not agree with the bill. It was largely permissive, and it depended on the goodwill of the Hindu families concerned, whether they adopted it or not, but very great labour and trouble was taken over it, and it was circulated for opinion. The opinions received in reply were absolutely unanimous. The opinion of the various judges who considered it was against the bill. From no quarter of the Presidency were the opinions against the bill more emphatic than from Gujarat. The opinions received from Gujarat indicated that the opposition to any legislation on the lines indicated by the Honourable Dewan Bahadur Godbole would be most pronounced. I regret to understand from the Honourable Mr. Kamat and some other honourable members that these opinions have not been made available to them. If that is so, the Revenue Secretary will have great pleasure in sending them forward if they write to him. Never in the course of my experience have I seen a series of opinions more unanimous and more emphatic as regards the undesirability of taking action on the lines indicated by the Honourable Mr. Keatinge.

Now, what are the honourable member's recommendations at the present moment? He wishes for legislation towards checking the excessive subdivision of agricultural lands. In the first place, there have been several references to western custom and western practice. The honourable mover himself confused the primogeniture obtaining in England and the system obtaining in France and other countries. One of the stock reasons adduced for the willingness of Englishmen and particularly Scotchmen to emigrate is the fact that primogeniture is in force there, thereby rendering it necessary for the younger members of the family to emigrate. In France such is not the case. There the properties are subdivided just as they are in accordance with Hindu Law here. It will be interesting for this Council to know that the form, and to a certain extent a good deal more, of the record of rights legislation that became law here, the Act of 1913, was copied from the forms introduced in the Code of Napoleon in 1818 at Cologne.

But, sir, let us consider what it is that the Honourable Dewan Bahadur Godbole wants us to do. He wants us, first of all, to recognize a new land tenure called impartible holding—the same as in Mr. Keatinge's bill—the impartible holding to be incapable of subdivision and to be held by a single individual. All unoccupied lands are to be given for cultivation under the impartible holding, and in the case of survey numbers three-fourths of which have remained uncultivated for a period of 10 years on account of excessive subdivision, Government should have the power of acquiring them and allotting them to others or to owners on condition that they will not be further subdivided. What I would point out is that a great deal has been said about the grant of unoccupied lands to impartible holders. We all know nowadays, except in small areas, there are practically no unoccupied lands. Therefore, the declaration of an impartible holding and the order that unoccupied land is to be given on these terms is practically useless.

What is the next point that the Honourable Dewan Bahadur Godbole proposes? He says that the impartible holding is to be incapable of subdivision and is to be inherited by a single individual on the principle of primogeniture. Well now, what is to happen? Simply this, that the claim would be registered in the record of rights in the name of one man and that the other 4 or 5 brothers would continue to cultivate it jointly. Nothing would give revenue officers, who are responsible for the maintenance of the extraordinarily elaborate

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registers in Satara and elsewhere, greater pleasure than to be able to say that no one shall cultivate or attempt to cultivate small areas in separate interest. But unless you are going to make it a criminal offence, unless a man is to be sent to prison for giving a share to his brother to run a plough over, there is no means of stopping him. And just consider what this primogeniture would mean to the men in the countryside? It is all very well for men coming from advanced districts, like the Honourable Dewan Bahadur Godbole, the Honourable Mr. Kamat, the Honourable Rao Bahadur Sathe, and the Honourable Rao Bahadur Garud, to recommend this new principle. But what of the ryots? The ryot does not look at it from the same point of view. He would resent it, and I can imagine nothing is likely to arouse more opposition and more resentment in the countryside than a measure which the Honourable Dewan Bahadur Godbole proposes. In fact, I am perfectly sure that as far as legislation is concerned, it will be quite impossible to enforce it.

The next point is that in the case of a survey number three-fourths or more of which has remained uncultivated successively for 10 years on account of excessive subdivision, Government should have the power of acquiring that survey number under the provisions of the Land Acquisition Act.

The Honourable Dewan Bahadur K. R. Godbole :—And giving it back to the original holders.

The Honourable Mr. G. S. Curtis:—The Honourable Mr. Upasani compared this to the owner of a house in a provincial town who went away for a time locking up his house. The Honourable Dewan Bahadur Godbole's proposal amounts to this, that Government should have the right of acquiring that house and letting it to those who will use it! Well, I will take his argument a little further. Who is to keep a register of these particular holders? In some of these villages, there are as many as 6,000 or 7,000 holdings. Who is to keep a register whether three-fourths of each survey number is or is not cultivable? Then, the Honourable Dewan Bahadur Godbole spoke of sub-shares. Does he refer to the survey numbers or sub-shares?

The Honourable Dewan Bahadur K. R. Godbole:—I referred to survey numbers, and I understand, sir, that in all villages a record is kept as to which survey numbers are cultivated in a year and which remain uncultivated. At present registers are kept like that.

The Honourable Mr. G. S. Curtis:—It is perfectly true that an ordinary register does show vaguely whether a survey number is under rice cultivation or not. But to expect any human being to keep up a register as to whether as many perhaps as 6,000 or 7,000 plots of land, in a Ratnagiri village for instance, are under cultivation or not for a period of 10 years, is, I think, to expect too much, and no one has a right to expect that. Further, if any such legislative provision was introduced, it would either lead to wholesale corruption or could not be enforced at all.

Now, sir, I do not wish to take up the time of this Council in considering this matter very much further. I submit that at the end of a session, speaking as we are on the last day but one of the Council under the present era, this is perhaps the last question which should be discussed. It postulates a complete revolution in the ideas of a very important section of the Hindu society, about the opinions of which the honourable member has adduced no evidence whatever. As far as our records show, the opinion of the mass of the people is solidly against it, and obviously if a change is to come—personally I hope it will come—if a change is to come, it is well that it should come after the reformed Council when the mass of the population will send their own representatives. It will be their province and their business to bring to the notice of the Council if and when this great change is wanted. Till then it is far better that the matter should be left as it is. For these reasons, sir, I would ask the Council to reject the resolution.

(At this stage the Honourable the Vice-President [Sir G. Carmichael] withdrew and the Honourable Mr. G. S. Curtis took the chair.)

The Honourable Dewan Bahadur K. R. Godbole :—Mr. Chairman,—I have listened to the discussion very attentively, and I find that the main point raised against my proposals is that the legislation proposed is of a revolutionary character, and that therefore, it should not be accepted by the Council. When I placed my proposals before the Council, I said that I did not want the Council to accept the legislation proposed by me in the exact form in which I had enunciated it. I wanted the Council to accept the general principle that the evil of the subdivision of lands had gone too far in this Presidency and that it should be checked. I gave out a rough scheme which I distinctly told the Council was not to be adopted to the very letter, that the scheme was open to change, and that any reasonable modifications which the Council suggested would be acceptable to me.

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Now, as regards the general lines, I believe, the whole Council is in agreement with me that the evil of excessive subdivision does exist in this Presidency. The Honourable Rao Bahadur Garud was the only dissentient in that respect, and he said that the evil was not really very intense. But I have simply to give one or two instances that I know of, in order to convince him that the evil is not so very light as he thinks it to be. In the Poona district I have come across a survey number which is 1 acre and 32 gunthas in extent. It is divided into 40 *pot* numbers, and these 40 *pot* numbers are again subdivided into 100 sub-shares. The Council has to note that a survey number of 1 acre and 32 gunthas—that is 72 gunthas—has been parcelled out amongst 100 different co-sharers. The consequence was that the survey number, when I made enquiries, had been out of cultivation for 6 or 7 years. Now, I hold that in the general interest and in the interest of the general prosperity of this Presidency such misuse of state property should not take place. The land belongs to the state; it is only given for cultivation purposes on certain terms, and the Presidency has a right to expect that its property should be put to the best advantage and that its lands should yield their maximum output. It is under this principle which I believe is a sound principle that I advocate that when lands go out of cultivation for a series of years on account of excessive subdivision, they should be acquired and given back for cultivation purposes on the new impartible holding tenure which I advocate.

Some of the previous speakers have objected to my bringing in the principle of primogeniture as it will be very hard on the younger sons of the family; but I would ask honourable members of the Council to remember that I want this principle of primogeniture to step in when the process of subdivision has gone on for several generations and when the limits of impartible holdings have been reached. Five gunthas in Ratnagiri, and five acres in Bijapur will for instance become impartible. Now I ask the Council to consider whether if a further partition of five gunthas of rice land is checked it will have any appreciable effect on the living of the younger sons of the family. I do not think so. This objection, therefore, is not very important. The Honourable Mr. Curtis told us that it would be impossible to find out whether a particular survey number has been under cultivation for the previous ten years or not. There I am inclined to differ from him because I know that in every village, record is continuously kept of the produce that a certain survey number gives year by year. The village records show all this, and so there ought to be no difficulty in finding out which survey number has been out of cultivation for the last ten years. There need not be any punishment for contravening and for the violation of the limits that would be put down in the law. When the law is known the holders of impartible holdings will know exactly what their rights and responsibilities are. They themselves will never allow their rights to be infringed. The Honourable Mr. Curtis said that the legislation that I have proposed is of a very revolutionary character. As the Honourable Rao Bahadur Sathe has pointed out it is not so revolutionary as is supposed. We have got the saranjam tenure and the watan tenure in this Presidency already which are based on the principle of primogeniture. The principle is well-known, and I do not think that its introduction in the manner suggested by me will be resented to the extent that is made out. This principle of primogeniture has been introduced to a small extent only in my proposals. The main point upon which I want the opinion of this Council is whether the evil of subdivision of lands has not now grown so intense as to require some limit to further subdivision to be imposed by law, and whether the existing laws of succession in this Presidency should not be amended to prevent further subdivision of five gunthas and smaller holdings of agricultural lands. Then as regards the query that was put by the Honourable Mr. Kamat I gather from the reply that was given by the Honourable Mr. Curtis that Government did not go on with the Honourable Mr. Keatinge's bill because it would be unpopular and unacceptable to the people. To put it in plain language, Government recognize the evil of excessive subdivision of lands but they are afraid of taking up new legislation to prevent it.

The Honourable Mr. G. S. Curtis:—I beg the honourable member's pardon. I did not say that. What I said was that the bill put forward by Mr. Keatinge was universally condemned.

The Honourable Dewan Bahadur K. R. Godbole:—Anyhow Government have abandoned the bill which was of the most harmless character. It was only a permissive piece of legislation but even that was not favoured by Government. It seems, therefore, that the position of Government is that they do not wish to undertake any legislation for

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checking the subdivision of agricultural lands on account of the discontent it may cause in the countryside. That is apparently the position that they have taken and what I want this Council to do is that they should step in now and take up the question in their own hands. The Council will have to support a private bill—a private bill drafted on the lines that I have indicated. Such a private bill should be drafted and placed for consideration before the reformed Council which will be more representative of the agricultural population of the Presidency. My object in bringing the matter before this Council to-day is to get its support and benediction on the measures proposed. With the approval of this Council the subject will be placed before the reformed Council for their further consideration. It is with that object that I have brought forward this resolution, and, I hope, the Council will accord their approval to it.

The resolution was then put to the vote and lost 12 members voting for and 22 against.

Ayes.

The Honourable Mr. Pandurang Anant Desai, LL.B.
The Honourable Dewan Bahadur Kashinath Ramchandra Godbole.
The Honourable Sardar Gulam Jilani.
The Honourable Mr. Balkrishna Sitaram Kamat.
The Honourable Mr. Chunilal Vijbhukhandas Mehta, LL.B.
The Honourable Mr. Lalubhai Samaldas Mehta, C.I.E.
The Honourable Sardar Shriniwas Coopooswami Mudliar.
The Honourable Rao Bahadur Venkatesh Shriniwas Naik.
The Honourable Mr. Raghunath Purshottam Paranjpye.
The Honourable Mr. Munmohundass Ramji.
The Honourable Rao Bahadur Ganesh Krishna Sathe, C.I.E.
The Honourable Mr. Phiroze C. Sethna, O.B.E.

Noes.

The Honourable Mr. G. S. Curtis, C.S.I., I.C.S.,
The Honourable Sir Ibrahim Rahimtoola, Kt., C.I.E.,
The Honourable the Advocate General (Sir Thomas J. Strangman, Bar-at-Law.)
The Honourable Mr. Salebhoy Karimji Barodawalla.
The Honourable Mr. Rupchand Bilaram, LL.B.,
The Honourable Mr. J. G. Covernton, C.I.E.
The Honourable Rao Saheb Harilal Desaibhai Desai, LL.B.
The Honourable Mr. R. E. Enthoven, C.I.E., I.C.S.
The Honourable Rao Bahadur Siddhanath Dhonddev Garud.
The Honourable Mr. G. W. Hatch, I.C.S.
The Honourable Major-General W. E. Jennings, M.D., I.M.S.
The Honourable Mr. H. P. W. Macnaghten.
The Honourable Khan Bahadur Pir Baksh walad Mian Mahmud, C.I.E.
The Honourable Mr. P. J. Mead, C.I.E., I.C.S.
The Honourable Mr. Gokuldas Kahandas Parekh, LL.B.
The Honourable Mr. L. Robertson, C.S.I., I.C.S.
The Honourable Mr. C. N. Seddon, I.C.S.
The Honourable Mr. H. O. B. Shoubridge, M.Inst.C.E.
The Honourable Mr. Purshotamdas Thakurdas, C.I.E., M.B.E.
The Honourable Mr. E. G. Turner, I.C.S.
The Honourable Mr. Shridhar Balkrishna Upasani.
The Honourable Mr. M. de P. Webb, C.I.E., C.B.E.

PRIMARY SCHOOL TEACHERS: PAY—MUNICIPAL COMMITTEE MEETINGS: QUORUM.

[28TH SEPTEMBER 1920.] [*The Vice-President; Mr. P. A. Desai; Rao Bahadur G. K. Sathe.*]

[The Honourable the Vice-President (Sir G. Carmichael) at this stage returned and occupied the chair.]

The Honourable the Vice-President (Sir G. Carmichael):—Resolution No. 13. The Honourable Mr. Paranjpye.

This Council recommends that Government be pleased, pending the final consideration of the question by the reformed council to ensure that no teacher in primary schools gets less than twenty rupees per month, by giving them a provisional allowance.

The Honourable Mr. Paranjpye not being present the resolution was deemed withdrawn.

The Honourable the Vice-President (Sir G. Carmichael):—Resolution No. 14. The Honourable Mr. P. A. Desai.

The Honourable Mr. P. A. Desai:—Sir, the resolution that stands in my name runs thus:—

That this council recommends to His Excellency the Governor in Council to take early steps to amend the provision regarding the number of members required to form a quorum at committee meetings by clause (3) of section 34 of the District Municipal Act.

In a municipality generally there are three sub-committees, namely, the managing committee, the schools committee and the sanitary committee. In some municipalities they have got a fourth committee, namely, the works committee. And the difficulty that has been experienced by me as president of the municipality is this, that the present clause (3) of section 34 of the District Municipal Act requires for the transaction of any business that more than one half of the members should form a quorum and ought to be present from beginning to end. For instance when there are six members on a committee the clause requires that more than half, namely, four members ought to be present; and so unless there are four, no business could be transacted. Now if for want of quorum the meeting is adjourned, even at the adjourned meeting there ought to be four members present and it is on account of this that meetings are postponed from time to time and no business is transacted.

Section 26, clause (7) of the Municipal Act, allows the municipal business to be transacted without a quorum when one meeting is adjourned for want of quorum, and I want a similar provision in the case of committee meetings; otherwise if the present section stands as it is, the difficulty is that many times there are no members present sufficient to form a quorum, and no business is transacted. Therefore, I want to move this resolution, namely:—

"That this Council recommends to His Excellency the Governor in Council to take early steps to amend the provision regarding the number of members required to form a quorum at committee meetings by clause (3) of section 34 of the District Municipal Act."

The section may be amended by saying that, instead of more than one-half, more than one-third would form a quorum, or the same provision which has been embodied in section 26 of the Municipal Act, namely, if once a meeting is adjourned for want of a quorum then at the adjourned meeting there is no necessity of a quorum and the business could be transacted without it, may be made for committee meetings. Under these circumstances, I hope that the Council will adopt this resolution.

The Honourable Rao Bahadur G. K. Sathe:—Mr. Chairman,—I oppose this resolution and my reasons for opposing it are these. There may be truth in what the Honourable Mr. P. A. Desai says that he finds difficulty in securing the attendance of the required number of councillors at committee meetings. That really does not reflect any credit on the public spirit of those who come on the municipal council or committees, and if that is the only ground which he urges in support of this resolution, I think, the better course is to spur up the councillors so that they might attend the meetings and transact the business. Apart from this question, sir, if what is asked for by the honourable mover of the resolution is granted, the effect would be very disastrous, because, the sub-committees meet once a week, at least the managing committees meet once a week, and oftener if necessary, and if the number that is required to form a quorum on any particular committee is not present and the meeting is adjourned, the chairman may be the only person present at the meeting and may transact the whole business. Is that a desirable state of affairs? An executive committee has practically the whole work to do. The general committees are deliberative assemblies, and the executive committees are to carry out the directions given by the general committees, and it is on this ground that the quorum has

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[*Rao Bahadur G. K. Sathe; Rao Saheb H. D. Desai; Mr. R. P. Paranjpye; Sir Ibrahim Rahimtoola.*] [28TH SEPTEMBER 1920.]

been fixed and has been made compulsory for every meeting. The District Municipal Act is not the isolated case where the quorum is being insisted upon. If I am right, I think that even in Bombay, under section 49 of the City of Bombay Municipal Act, out of twelve unless six are present no business can be transacted. If there is really a difficulty in securing attendance at the proper time, the best course is to prescribe some fee, at least in big cities like Poona, Ahmedabad, Sholapur and others which would induce these people to put in their appearance punctually and transact business. There is a precedent for it in the City of Bombay Municipal Act, and now the time has come, as the business is increasing, to prescribe some fees, whatever it may be, even in city municipalities. Instead of taking this course, the course which my honourable friend Mr. Desai suggests is not the right one, and if this resolution is accepted, it means that we are discrediting our own people and we give power, in the hands of very few, of transacting important business. The analogy which he gave of section 26 of the act is not a correct one, because, as I have already stated, that applies to the general meetings, and there such occasions are very few, and the business transacted at such meetings is more of a deliberative character. Therefore, the analogy does not apply, and, I think, it lies with the chairman at least to induce his colleagues to put in appearance at the appointed time. I, therefore, strongly oppose this resolution.

The Honourable Rao Saheb H. D. Desai:—Mr. President,—I also cannot agree with the resolution moved by the Honourable Mr. P. A. Desai. If there is want of public spirit among the members who form committees, that is no reason why the legislature should authorize one or two members to run through the business as proposed. I know from my own experience of committees that whenever for one reason or another there is difficulty of a quorum the chairman prepares the papers, drafts resolutions and circulates them, and in that way work is transacted, so that urgent work as well as work with reference to which a quorum cannot be had at the proper time is transacted in this way. At least so far as I am concerned, I have not found that in Ahmedabad any inconvenience is caused by this method or that the work has suffered on that account.

The suggestion made by the Honourable Rao Bahadur Sathe of providing fees to members of committees does not appeal to me. The standing committee of the Bombay municipality has not enjoyed much credit so far as I know, and fees will bring on a scramble for seats on committees, which is not a desirable thing. We in Ahmedabad once thought of it, as to whether we should not move Government to institute the system of fees for attendance at committee meetings, but after much discussion we came to the conclusion that we should not do so, and that the best men would not come into the committees in that case, and that perhaps the committees would go down in tone and level. But in any case, whatever be the remedy, it is much better to go to the voters and have proper men returned with sufficient public spirit to do the work in committees according to the provisions as they exist at present, rather than that one or two people should transact the business because other people have not sufficient public spirit.

The Honourable Mr. R. P. Paranjpye:—Sir,—I also wish to oppose this resolution, because, it will lead to an unhealthy state of things in the management of affairs of these committees. As my honourable friend Rao Bahadur Sathe has well pointed out, deliberation and executive action are entirely different objects, and for the committees which have to carry out the functions prescribed by the act there ought to be a sufficient number of members. Well, I myself do not very much like the alternative suggested by the Honourable Rao Bahadur Sathe, but I would suggest another. There might be a section in the act along with the sections which constitute these various committees, saying that whenever a member absents himself at more than one-third number of meetings of these committees, he shall be deemed *ipso facto* to have resigned from the committee. If a regulation were there in the act, then it would always bring the fact before the notice of the general committee if a man absents himself so often. I think this would be a better plan for adoption than accepting the resolution of my honourable friend Mr. Desai.

The Honourable Sir Ibrahim Rahimtoola:—Mr. President,—I do not know whether the honourable mover has realized that his motion is a direct admission of indifference and apathy in the discharge of local self-government duties. Sir, we have had many demands for the extension of local self-government, and it is only recently that Government in response to such demands have issued a notification largely liberalizing the constitution of municipalities. To be told that even a small number of members who are elected by municipalities on committees are so indifferent to the discharge of their responsible duties that they do not care to attend to the extent that meetings have to be postponed for want

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of a quorum, is a state of things which can hardly be regarded as creditable. The remedy proposed that no quorum should be necessary at meetings adjourned for want of a quorum will lead to wholly undesirable results. Now, I should like to invite the attention of honourable members to the fact that under section 27 of the act it is provided that in every municipality there shall be a committee called the managing committee, consisting of such number of councillors not exceeding nine or less than four, as may have been elected for a period not exceeding one year, in accordance with rules under clause (*a*) of section 46. The duties of the managing committee are very wide, and all these wide powers are to be discharged by a committee whose constitution shall be not more than nine and not less than four. Now, assuming that a managing committee with all these powers consists of four members, the minimum number, under section 34 (3), to which the honourable mover has alluded, a quorum of three members is necessary. If three members are not present, then the meeting has to be adjourned for want of a quorum. At the adjourned meeting one single member may be present, and he would be entitled, under the amendment proposed by the honourable mover, to discharge all these responsible duties, and the same would be binding on the whole municipality. I wonder whether anything can be more absurd to advocate? I trust that for the reputation of local self-government in this Presidency such a state of things does not actually prevail and that there is sufficient public spirit among the citizens of the Bombay Presidency to discharge the duties which they may have undertaken by election.

As regards the remedies, I think, there is no greater remedy than the force of public opinion, exercised through the voters, who should require these men either to discharge their duties properly or to make room for others who may be willing to do so. I am sorry the payment of fees has been advocated by my honourable friend Rao Bahadur Sathe, as that can only mean a confirmation of the criticism that people are ready to talk of local self-government, but when it comes to sacrificing a little of their time in the discharge of public duties, they want a monetary compensation for it. I hope that the actual state of things in the Presidency is really different, and that there is a sufficient amount of public spirit amongst the citizens of the Presidency to be anxious to discharge the responsible duties of local self-government. The city of Bombay is a very busy city, consisting of a large number of men who are engaged in various avocations of life, and still we find that there is sufficient public spirit prevailing amongst them. They have been found willing to make sacrifices in order to be able to attend to the discharge of their municipal duties.

I hope in the districts, where other engagements, both public and private, could not, in my opinion, be of the same character as they are in Bombay city, men will come forward for the discharge of these duties in a manner which would reflect great credit upon their public spirit.

The other remedy advocated by the Honourable Mr. Paranjpye is well worth consideration. The members of committees are appointed for a year, and if any member does not attend a certain number of meetings consecutively, say three or four, he should be declared to have vacated his seat; and the vacancy should be reported to the municipality, which should forthwith proceed to fill it. That is certainly one way of bringing indirect pressure to bear upon the member. But I do trust that even that pressure is not necessary, and that there is sufficient public spirit in the Presidency to bring forward voluntary workers, ready to sacrifice a little of their time in the interests of the service of the public. For these reasons, I hope the Council will reject the resolution.

There is another reason to which I should like to draw the attention of the honourable mover. At this meeting he brings forward a resolution asking for an amendment of the District Municipal Act. The provision to which he refers is in the act itself. Therefore the elaborate procedure of an amending bill will be necessary to set this matter right, even if he had succeeded in making out a good case for it. But that ought to appear to be out of the question at this time. Government have told the Council that they have decided to leave legislation regarding local self-government to the Ministers, who will deal with the whole problem in due course.

I, therefore, think that the resolution should be rejected on its merits, and also because it is inappropriate at this time.

The Honourable Mr. P. A. Desai:— Mr. Chairman,—Notwithstanding the lamentations of the Honourable Member in Charge as well as of many other honourable members of this Council, the fact is there. We find that many times the business is not transacted because there is that provision, and therefore, I wanted an amendment on this score. The Honourable Rao Bahadur Sathe said that there is a provision in section 26 (7), but we are

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to make a distinction between a deliberative body and an executive body. He says the municipality being a deliberative body, the rule that there ought to be a quorum for all meetings is not necessary. I cannot understand the logic of it. It is for deliberative purposes that a particular number of members is required. The deliberative body is to fix the principle, and it is only the executive body's business to carry it out. I, therefore, cannot understand the logic of it that in section 26 (7) provision is made, because, a municipality is a deliberative body. Of course, I admit that this proposition shows that there is an utter want of public spirit in the people. There is no doubt about it; I must confess that it is so. But the difficulty is experienced every day, and therefore, something is necessary to meet it.

As the Honourable Member in Charge has said that comprehensive legislation regarding local self-government is to be framed after the department is taken charge of by a Minister, I withdraw this resolution.

The resolution was by leave withdrawn.

The Honourable the Vice-President (Sir G. Carmichael):—The Council will now adjourn till 11-30 a.m. to-morrow.

The Council then adjourned till 11-30 a.m. on Wednesday, the 29th September 1920.

By order of His Excellency the Honourable the Governor,

G. DAVIS,
Secretary to the Legislative Council
of the Governor of Bombay.

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PART V.

Proceedings of the Council of the Governor of Bombay.

Journal of the proceedings of the Legislative Council of the Governor of Bombay, assembled under the provisions of the Government of India Act, 1915.

The Council re-assembled at 11-30 a.m. on Wednesday, the 29th September 1920, at the Council Hall, Poona.

PRESENT :

His Excellency Sir GEORGE AMBROSE LLOYD, G.C.I.E., D.S.O., Governor of Bombay, *President.*

The Honourable Sir GEORGE CARMICHAEL, K.C.S.I., I.C.S., *Vice-President.*

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

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

The Honourable the Advocate-General (Sir THOMAS J. STRANGMAN, Bar-at-Law).

The Honourable Mr. SALEBHOY KARIMJI BARODAWALLA.

The Honourable Mr. ALI GOHAR BHUTTO, son of Ghulam Murtaza, Bar-at-Law.

The Honourable Mr. RUPCHAND BILARAM, LL.B.

The Honourable Mr. J. G. COVERNTON, C.I.E.

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

The Honourable Rao Saheb HARILAL DESAIBHAI DESAI.

The Honourable Mr. R. E. ENTHOVEN, C.I.E., I.C.S.

The Honourable Major C. FERNANDES, M.D., F.C.P.S., I.M.S.

The Honourable Rao Bahadur SIDDHANATH DHONDDEV GARUD.

The Honourable Dewan Bahadur KASHINATH RAMCHANDRA GODBOLE.

The Honourable Mr. G. W. HATCH, I.C.S.

POONA CITY: MORTALITY.

[*The Vice-President; Mr. B. S. Kamat.*] [29TH SEPTEMBER 1920.]

The Honourable SHEIKH GHULAM HUSSEIN HIDAYATALLAH, LL.B.
The Honourable Mr. J. D. JENKINS.
The Honourable Major-General W. E. JENNINGS, M.D., I.M.S.
The Honourable Sardar GULAM JILANI.
The Honourable Mr. BALKRISHNA SITARAM KAMAT.
The Honourable Mr. H. S. LAWRENCE, C.S.I., I.C.S.
The Honourable Mr. H. P. W. MACNAGHTEN.
The Honourable Khan Bahadur PIR BAKSH walad MIAN MAHMUD, C.I.E.
The Honourable Mr. P. J. MEAD, C.I.E., I.C.S.
The Honourable Mr. CHUNILAL VIJBHUKHANDAS MEHTA, LL.B.
The Honourable Mr. LALUBHAI SAMALDAS MEHTA, C.I.E.
The Honourable Sardar SHRINIWAS COOPOOSWAMI MUDLIAR.
The Honourable Rao Bahadur VENKATESH SHRINIWAS NAIK.
The Honourable Mr. RAGHUNATH PURSHOTTAM PARANJPYE.
The Honourable Mr. GOKULDAS KAHANDAS PAREKH, LL.B.
The Honourable Sir DINSHAW MANOCKJEE PETIT, Bart.
The Honourable Mr. MUNMOHUNDASS RAMJI
The Honourable Mr. L. ROBERTSON, C.S.I., I.C.S.
The Honourable Rao Bahadur GANESH KRISHNA SATHE, C.I.E.
The Honourable Mr. C. N. SEDDON, I.C.S.
The Honourable Mr. PHIROZE C. SETHNA, O.B.E.
The Honourable Mr. H. O. B. SHOUBRIDGE, M.Inst.C.E.
The Honourable Mr. PURSHOTAMDAS THAKURDAS, C.I.E., M.B.E.
The Honourable Mr. E. G. TURNER, I.C.S.
The Honourable Mr. SHRIDHAR BALKRISHNA UPASANI.
The Honourable Mr. HARCHANDRAI VISHINDAS, C.I.E., LL.B.
The Honourable Mr. M. de P. WEBB, C.I.E., C.B.E.

The Honourable the Vice-President (Sir G. Carmichael):—Order, order. Further discussion of matters of general public interest. Resolution No. 16. The Honourable Mr. B. S. Kamat.

The Honourable Mr. B. S. Kamat:—Mr. Chairman,—The resolution which stands in my name reads as follows:—

> **This Council recommends that Government may be pleased to take early steps to investigate, either by the appointment of a special medical officer, or otherwise, the causes of the high mortality and general unhealthiness prevailing in Poona city.**

At the outset, I believe, it is necessary for me to explain why I come to Government with such a request in a matter which concerns the Poona Municipality. I am sure both, Government as well as some of my honourable colleagues here, would ask me why I ask Government to interfere in a question of local self-government and the internal management of a local body. I have two or three reasons which I hope will appear to this Council cogent when I explain them.

My first answer to the preliminary objection is that the health of Poona city is not the concern only of the Poona city municipality, inasmuch as Poona is for nearly six months in the year the headquarters of the Bombay Government and also the headquarters of various heads of offices, who draw their staff from the Poona city. Then again a large number of visitors from Bombay and other places come to Poona, and if there is a serious state of things in the Poona city, it reflects on the health of the various visitors from parts of the Presidency.

My second reason, sir, and perhaps a stronger reason, is that there are indications to my mind that the health of Poona city has gone from bad to worse of late years, particularly since 1915 when the Poona drainage system was introduced,—a system which has been carried out by Government agency, and a system in which now, after the examination at the hands of an expert sanitary engineer, Government have admitted that there are certain grave defects. I contend, therefore, that if Government carried out the Poona

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drainage and sewage scheme and if they themselves admit certain grave defects in it, it stands to reason—I mean there is a *prima facie* case—that the present unhealthiness, which I shall endeavour to prove by facts and figures, to have been recently aggravated, may also be due to the serious defects in the drainage scheme, and that, therefore, the liability of enquiring into and investigating the subject devolves upon Government.

There is also a third reason, sir, why I think an enquiry of such a nature should be conducted by Government, and that is that, even assuming for the sake of argument that this function of investigating the causes of unhealthiness of Poona is specially the function of the Poona municipality, I think, they have not got the necessary staff, expert in sanitary engineering, in examining the silting of the river-beds and various other things, to do the work. And even assuming that they have such an expert staff, I fear that any finding the municipality may arrive at or any conclusion they may come to, may not be acceptable to Government, inasmuch as it might perhaps conflict with the opinions of the Government expert, and thus may not be of any value at all to Government. For all these reasons, I think, sir, it is better that the initiative should be taken by Government if they find from data that the mortality in the Poona city and the general unhealthiness in the town is of a very serious character. Having answered, therefore, this preliminary objection, I shall now come to the merits of the case.

I believe it is the belief of the general public in Poona that the health of the town has been seriously affected since the introduction of the drainage scheme, that is to say, since 1915. With a view to ascertain the facts and figures, I asked a question in the August session of this Council as to whether the sanitary engineer to Government had gone into the question of comparative statistics of the health and mortality of Poona city, both in the pre-drainage period and since the construction of the drainage system, and whether the popular belief was right from the point of view of Government. Government were pleased to furnish, in answer to that question, certain vital statistics, and although Government do not admit, that is to say, the sanitary commissioner is not prepared to admit that the unhealthiness of the town has been aggravated by the drainage system, still from the figures which Government have quoted in Appendix J in the interpellations at the last session of the Council, I believe, Government cannot draw the conclusion that the health of the Poona city, after the introduction of the drainage scheme, is satisfactory. The figures are to my mind such as rather tend to the deduction that after all there is a *prima facie* case that the health of the Poona city has been adversely affected. For instance, during the pre-drainage years 1912, 1913 and 1914, the average total mortality of the town per 1000 of the population was 41·59. After the introduction of the drainage system the average mortality per 1000 of the population for the three years 1916, 1917 and 1918 was 47·17. That is to say, taking the two averages, decidedly the average mortality after the introduction of the drainage system is higher than the average for the pre-drainage period. I admit that these vital statistics are likely to be vitiated by the fact that they are collected by the municipal agency, and also by the fact that in the year 1919 influenza appeared in the town, and mortality during that year was very high. But still taking the average after the introduction of the drainage scheme as against the pre-drainage period, I say the figures are conclusive of the fact that the mortality is of late growing. Now, I wish to point out that this high rate in mortality synchronizes with the period since the drainage system was introduced. Before the year 1915, as I have shown, the mortality was 41 per 1000 of the population; after that, it is 47. It stands to reason, therefore, that there is a case for enquiry.

Let me now come to the defects in the drainage system, and see whether I can trace the increase in mortality to these defects. The Poona city or the public of Poona has agitated for some time that in the drainage system and the sewage system as carried out by Mr. Mandy there are certain defects. Although Government were not prepared at one time to admit them, I am glad to say they appointed a special expert from England, by name Mr. Watson, of Messrs. Watson & Company, who after going through the whole thing came to a certain conclusion, and has submitted a report to Government. A copy of his report has been placed on the table, and after going through the report the conclusion is irresistible that even in the opinion of the special expert, Mr. Watson, there are serious defects in the drainage system. I need not worry the Council over the several defects that have been pointed out by him. But there is one thing which would be of interest to this Council, and it is this. Mr. Watson has alluded to the leakage of water which is going on in the Poona city through the settling tanks which have been constructed.

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Mr. Watson in his report says :—

"The reservoirs are wasteful of water which has to be paid for, the 'head' which it is possible to maintain in them is insufficient to keep up a working pressure in the mains, and in order to obviate leakage, the top water level is kept so low that the supply and distributing mains are incapable of fulfilling their functions properly. They have not been properly constructed; neither floors nor sides have been puddled; little indeed has been done by the engineer who designed them to ensure water-tightness, so that the measurements made by Mr. Collets on 3rd of April 1918 are only what one would expect to find in the circumstances, *viz.* :—

Date.		Depth of water in Tanks.	Leakage of water in gallons per 24 hours.
3rd April 1918	...	8·20 feet.	1,522,850
24th April 1918	...	5·30 feet.	871,268
24th July 1918	...	2·75 feet.	707,628 "

Then referring to sullage soaking Mr. Watson says :—

"The drainage system, as it has been constructed, provided for 6,000 connections being made to the sewers at public expense. What were called 'extra connections', numbering 1,322 were made subsequently by house-owners at their own expense. The total number of house connections does not now exceed 7,350 although in 1906 when the sewage scheme was sanctioned it was deemed necessary to make 13,000 of them.

"In the great majority of cases these drains are connected to sewers which are much too small (4 inch diameter pipes) to act efficiently and this faulty design is rendered worse in many cases by the absence of flush tanks, ventilators and inspection chambers."

The Honourable Mr. G. S. Curtis:—I beg the honourable member's pardon. Is he quoting from Mr. Watson's report?

The Honourable Mr. B. S. Kamat:—I am quoting from the report by Mr. Watson submitted to the Government of Bombay on the drainage scheme of the Poona city. Mr. Watson continues :—

"I found cases where the sullage was encouraged to soak into the adjacent ground, because the gullies were put in apparently without purpose, the adjoining moris, etc., not being connected to them."

Then at page 4 of the report Mr. Watson says :—

"The main defects of the scheme are probably due to the curtailment of essential features already referred to, but there are defects which might have been avoided without incurring extra expense, for example, better placing of manholes, more careful determination of gradients to obtain velocities sufficient to carry forward silt and sand, and better apportionment of the sizes of pipe sewers for the work required of them."

So both by the leakage of water, the figures of which I have just quoted from Mr. Watson's report, and by sullage, a great deal of dirt is being silted in the drains. Thus, I think, I have been able to show that probably the mortality has been aggravated by the system of the drainage. I contend that although the health department of the Poona city may not be an ideal one, although I admit that there may be great administrative deficiencies in the health department staff of the municipality, still the fact remains that the mortality is aggravated by means of the drainage system carried on by Government. I have quoted from Government report figures which show that probably owing to the leakage of water the health of the town is affected, and I, therefore, think that we have a reasonable claim on Government to assist us in carrying out an investigation so as to find out whether the serious defects left by Government in the scheme are telling upon the health of the people. It is not a question affecting the health of the residents of the Poona city alone but the whole Presidency, and, I trust, if Government would help the municipality and appoint an officer of the character I suggest, it will help to solve this problem.

There is only one more remark that I wish to make and that is that the Poona city has been doing something on the principle of self-help in this matter. Private medical practitioners of the Poona city held a small conference recently with a view to find out from their own observations and from the cases which came to their own knowledge whether the cases of malaria were now on the increase. At a conference of thirty medical practitioners they considered the question. They inspected different wards. I hold in my hand a tabulated statement prepared for that conference as a result of their private inquiries which

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were based on the principle of self-help for the town; as a result of these inquiries and after examination by some of them of the spleens of about 3,200 school-going children in the city, the medical conference came to the following conclusion:—

> "As a result of the examination of spleens of 3,280 school children this meeting of the medical practitioners of Poona expresses its opinion that their is a serious infection of malaria in the city generally. A particularly more serious infection is prevalent in Shanwar Peth, Narayan Peth and a part of Shukrawar Peth and those parts of the city that border on the banks of the river....."

That is the opinion of thirty and odd medical practitioners of Poona city. I believe that every one who goes into the town knows that there are fever cases in almost all the wards, almost in every house; in fact, this fever is now nicknamed "Mandy fever" after the name of the officer who carried out the drainage scheme. In view of the evidence, therefore, that I have just placed before the Council, I submit that there is justification for the appointment of a special medical officer, and, I trust, Government will accept my resolution.

The Honourable Mr. C. V. Mehta:—Sir,—I am afraid I fail to understand why this resolution should be brought before this Council. I should like to have heard from the honourable mover as to whether this matter was moved in the Poona municipality.

(His Excellency the President at this stage entered and resumed the chair.)

I should have liked to have heard, sir, whether the Poona municipality had come to any resolution on this point, and whether they have asked for the appointment of a medical officer entirely at the charge of Government, or whether they have asked for some financial assistance in carrying out this investigation. I can readily understand that the Poona municipality probably have not got the staff to carry out the scientific and bacteriological examination as the one suggested by the honourable mover. It struck me from the details which the honourable mover stated that really this is a dispute between Government on the one hand, and the Poona municipality on the other as to who is responsible for laying down the drainage scheme which apparently has not given satisfaction. The honourable mover stated that Government while they placed certain vital statistics before the municipality did not admit that they are in any way liable for the defects in the drainage scheme. What then is the utility of asking Government who in this case appear to be the accused party to appoint an officer of their own, and it would be interesting to know whether the municipality would be content to abide by the decision of any officer that will be appointed by Government. It is not suggested of what character the inquiry should be. On the contrary from the resolution it appears that the inquiry is to be of an *ex parte* character, and it is interesting to know whether all the conclusions to which the medical officer might arrive would be finally accepted by the municipality.

I submit, sir, that the right course is in the first place to have the matter discussed in the municipality itself. In the second place if the municipality is convinced that Government are to blame then it is for them to fight it out with Government, and finally if there is a necessity for an inquiry of this character, then, at all events, to ask that the municipality should be helped if necessary in making this investigation, and that Government should look into the merits of a request of this character. But I do not think that this Council is the proper place for adjudicating disputes between the municipality and Government, and that the general tax-payers should be asked to bear the whole expense of the investigation.

The Honourable Mr. R. P. Paranjpye:—Sir,—I was rather surprised to hear my honourable friend Mr. Chunilal Mehta opposing a resolution of this character, because, from my experience, and I hope the experience of other honourable members will agree with mine, I have seen that a great portion of this Council has been taken up with matters which concern Bombay city only. Now if we are to tell Government or other honourable members who do not belong to Bombay city that anything that concerns Bombay city should not be discussed in this Council, I think the work of this Council will be practically stopped, because, hardly any question that comes before this Council has reference to every single individual in the Presidency and other questions cannot be said to be of general interest. Is it, therefore, a proper position for my honourable friend Mr. Chunilal Mehta to take that a question of conflict between Government and the Poona city municipality should not be considered at all in this Council? Only last session my honourable friend brought forward a resolution in this Council that the Improvement Trust should be handed over to the Bombay municipality. If that time we had told my honourable friend that this is a question between the Bombay municipality and Government and that this Council had nothing to do

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with it, would it have been a fair position to take, and does my honourable friend want us who do not belong to Bombay city to take that position?

I think the Honourable Mr. Kamat has made the question perfectly clear. Here is a large drainage and water supply scheme of the city of Poona which was not executed by the municipality, for which the Poona municipality has contributed half the expenses and Government have contributed the other half, and which has been executed through the agency of Government. If, therefore, there are defects in that scheme, I submit, and I hope honourable members will agree with me, that Government is bound in duty to remedy these defects. If the mistake had been of the Poona municipality, then it was only in the beginning, in consenting to this arrangement of sharing the expenses with Government and to trust to Government with the scheme. The Poona municipality will be perfectly prepared to bear any odium for that initial mistake. But after that there is no other mistake that has been made by the Poona municipality.

The Honourable Mr. G. S. Curtis:—Your Excellency, I think we must shorten the debate. The resolution stands as follows; (reads). It is not a resolution as to who should bear the expenses of the drainage scheme. Therefore, I submit, sir, that it is no use the honourable member's arguing that Government ought to pay for remedying the defects.

His Excellency the President:—I think the honourable member will try to keep fairly within the line of the resolution. But I think he is right in referring to the question of remedy.

The Honourable Mr. R. P. Paranjpye:—The contention is that the health of the Poona city has deteriorated on account of the drainage scheme, and the honourable mover wants an inquiry to be made into the matter, and, I submit that the defects, if there be any at all, are to be charged to Government and not to the Poona municipality. Therefore, it is right for us to ask that Government should bear the costs of the inquiry and make that inquiry, and if the inquiry shows that there are defects, Government ought to pay for even remedying these defects.

Then again my honourable friend Mr. Chunilal Mehta told us that we are asking that Government should make that inquiry through its own medical officers. Well, of course when it is a question of difference of opinion between a subordinate body like a municipality and the main body of the Presidency, namely, Government of Bombay, there is no third party to which we can appeal, unless we appeal to the Government of India or the Home Government. After all we have got to trust to the public opinion, and to enforce our view upon Government and ask Government to take up the inquiry. There is no third party to which we can appeal unless we go to the High Court and sue Government for thrusting upon us a scheme in which there are defects. I do not know whether my honourable friend Mr. Chunilal Mehta asks us to follow that policy.

But in any case the Council is a kind of body which, in my opinion, will enforce the public view on Government, and it is therefore that my honourable friend Mr. Kamat has brought forward this resolution. I think the Honourable Mr. Kamat has proved fully that the health of Poona city has deteriorated. There are facts and figures to prove that, and moreover, the general impression not only of the residents of Poona, but of all people who have to come to Poona even occasionally is that there are most serious defects in the drainage system.....

His Excellency the President:—Order, order. I think the honourable member must confine himself more closely to the terms of the resolution. The terms of the resolution do not entitle him to refer to defects in the drainage system. That there are defects in the drainage system is admitted by Government, and they will try to see what can be done to remedy them. As the resolution stands, the honourable member is entitled only to go into the merits of the proposition, which is the appointment of a medical committee or a medical officer to investigate into the causes of general unhealthiness, and so on.

The Honourable Mr. R. P. Paranjpye:—Your Excellency,—There is no doubt that the health of the city has deteriorated. The facts and figures prove it, and also the general impression of the residents of Poona, and also of people who come to Poona for occasional stay confirms that view. Here, I think, there is a perfectly sound case for enquiry, and I think that, although the officer that may be appointed may be an officer of Government, we can still hope that that officer will not come to readymade conclusions beforehand on the questions which he will have to investigate, and that professional etiquette and professional honour will make him give a verdict which is real and not dictated to him by superior officers. With these words I fully support the resolution brought forward by my honourable friend Mr. Kamat.

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The Honourable Dewan Bahadur K. R. Godbole:—Your Excellency,—I also rise to give my support to this resolution. In the speech that I made at the time of the budget discussion in this Council, I have brought to the notice of the Council the defects of the Poona drainage scheme as executed. What my friend the Honourable Mr. Kamat now wants Government to do is to appoint a special officer to investigate into the causes which have led to the unhealthiness of the Poona city. The case is important not only in the interests of Poona city itself, but in the interests of the whole Presidency, and I will tell the Council why it is important in the interests of the whole Presidency. Every important town in the Deccan and the Southern Maratha Country, and in Gujarat also, is pointing to Poona as the instance of a city which has had a complete water-supply and which has a drainage scheme tacked on to it. We are giving water-supplies to all our principal cities and the necessary appendages to the provision of water-supplies will be the provision of drainage schemes. Several cities at present hesitate to go in for schemes of copious water-supply as very heavy expenditure involved in a drainage scheme is to follow. Many municipalities feel doubtful whether they should go in for water-supply and drainage schemes when the results in Poona are stated to be far from satisfactory. The Poona case must, therefore, be placed beyond doubt. On account of these reasons it is extremely important that the whole question of the unhealthiness of the Poona city and of the causes of the high mortality in it should be properly investigated, and we should be in a position to say authoritatively that water-supply and drainage schemes if properly carried out lead to the improvement of the health conditions of a city. It is absolutely necessary that Government should prove this position, and in order to prove it an investigation of the character that has been suggested by the Honourable Mr. Kamat appears to be necessary. I, therefore, heartily support his resolution.

The Honourable Mr. G. S. Curtis:—Your Excellency,—The course of this discussion has rather puzzled me. I have the honour to be the Member in Charge of the medical portfolio, and I came here prepared to meet the various arguments why an additional medical man should be posted to Poona to enquire into the alleged unhealthiness and deterioration of public health in Poona. I have no official information whatever as regards the Poona drainage scheme or its defects. That, coming under the Public Works Department, is in charge of His Excellency the Governor, and I am free to admit that though I had heard about Mr. Watson's report, I had not seen it until it came to my hands to-day. All the arguments I have heard support the conclusion that Government should pay one-half of the cost which would be required to make good the defects discovered by Mr. Watson. The matter has not yet come up for consideration, but I understand that the proposal is likely to be accepted. So far it has not come within my official knowledge.

But, sir, what I have to deal with is the resolution as printed and the arguments in support of this resolution. So far I have not heard one single argument as to why a special officer is necessary. I may mention a fact which has come to my notice, again unofficially, that the Poona municipality has been without a municipal health officer for at least two years, and that the Chief Sanitary Officer of the municipality has been a person without the qualifications of a sanitary inspector. Now, sir, if that statement is correct, I do not think it hard to understand why the general sanitary organization of the city has deteriorated, and why the general health of the city is not as satisfactory as it was some years ago. Most of us would be surprised if it had not deteriorated, under those conditions. Those of us who know Bombay, and are familiar with the work done by the sanitary department in Bombay, and the immense personal care taken by the highly equipped officer in charge of that department, can realize what must happen if the superintendence of that department, which requires skilled training and powers of organization, is placed in the hands of a person without training, without education, and entirely unfitted for the post. I understand, again unofficially,—I have no official information—that the Poona municipality intends to appoint a first class health officer and has asked for sanction to the appointment which I understand has recently been given. That officer has not yet been appointed, but I hope that now that the sanction has been given, the municipality will not be slow in proceeding to discharge their duty of placing the sanitary services and organization under a skilled and efficient charge. I venture to think that when this is done, the tabulation of the mortality statistics will be placed on a more satisfactory footing, and that it may be possible to look upon the statistics as regards the general health of the city with greater confidence than is the case at present. With statistics as at present collected, it is impossible to arrive at any reliable conclusion. Therefore, sir, my suggestion to the honourable mover of the resolution would be this. Let the municipality do their duty, let them appoint an efficient head of their sanitary service, and let them, under his skilled charge, tabulate their statistics and present to us

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a reasoned statement of the case for believing that the health of Poona city has deteriorated. If they wish for skilled assistance, the Sanitary Commissioner and the Deputy Sanitary Commissioner are at their elbow, always pleased to give them any assistance most ungrudgingly whenever they are called on to do so. As far as my unofficial information is concerned, that request has not yet been made. But once more, following the Honourable Mr. Mehta, let the municipalities remember their duties towards the public. If they will but bear in mind that they too have a duty to perform, I think, they will find that Government, the Public Works Department, will not be slow to remedy such defects in the drainage system as expert opinion has revealed. The fact that Government placed at the municipality's disposal the services of Mr. Watson, shows the Government's readiness to help. Mr. Watson is perhaps the greatest expert in the world on water sewage, and the fact that the services of such an expert were made available, shows that Government have no wish to conceal anything or neglect anything. A further fact which I may mention to the Council is that a special engineer has been brought out from England at Government expense to remedy such of the more important defects, as Mr. Watson's enquiry has brought to notice. That also shows that Government have no wish to blink the matter. But, further, sir, that an elaborate enquiry or the collection of elaborate tabular statistics is necessary has not, as far as I can see, been proved by any of the honourable members, residents of Poona, who have spoken to-day. Therefore, sir, I cannot accept the resolution in its present form. But I would say this, that if and when the municipality have placed their sanitary organization in order by the appointment of a skilled and trained officer in charge, and they make an effort to present statistics sufficiently reliable to arrive at elaborate conclusions regarding the health of the city, if and when that is done, and the Health Officer finds himself unable, with the assistance of the Sanitary Commissioner and the Deputy Sanitary Commissioner, to come to any satisfactory conclusion, Government will then come to their assistance. Under these circumstances, I trust the honourable member will withdraw his resolution.

The Honourable Mr. B. S. Kamat:—Your Excellency,—Regarding the objections that my honourable friend Mr. Chunilal Mehta brought forward, I believe, the Honourable Mr. Paranjpye has very effectively answered each and every one of his points. Indeed, I was surprised to find the Honourable Mr. Chunilal Mehta taking a very narrow view of affairs outside the city of Bombay, and if that is the spirit which would animate the discussions in this Council, I think, our discussions will soon degenerate into parochial matters. I think we ought to take a broad view of things affecting all the parts of the Presidency and not only the city of Bombay.

Regarding what fell from the Honourable Member in Charge, as I myself pointed out in my remarks, the defects in the drainage scheme have been looked into by Government and probably they will also rectify the defects. But I contend, sir, that the health of the people in Poona city has deteriorated as a consequence of the defects, and therefore, it is not proper that Government should stop at merely detecting the engineering defects. As I say, the after-effects of these things are reflected in the health of the people, and from the medical aspect of the thing it is necessary to pursue the enquiry still further, not at the hands of an engineer like Mr. Watson, howsoever expert he may be, but at the hands of a medical officer, say an I.M.S. officer, to go into the root causes of the high mortality and general unhealthiness and various other medical matters. It is with this view that I have asked for an enquiry. It is perfectly true that the present officer doing the duties of health officer is not an expert to conduct a thorough inquiry; it is also true that the Poona municipality has had no health officer for about two years. I admit that fact, but let me also point out that the figures which I quoted of the high mortality do not relate only to the last two years. I quoted the figures of even 1915 to 1917, and during those years there was a health officer with the municipality. So, the non-appointment of a health officer in 1919 has not materially anything to do with the high mortality in 1915, 1916, 1917, in my opinion. It is perfectly true that the organization under the health officer should be exceedingly good. But the figures I quoted relate to the previous years, and not to the years of 1919 and 1920, when there was no health officer, and that fact, therefore, should not have been brought forward to prove that the heavy mortality had anything to do with the non-appointment of the health officer.

Regarding the assistance from the Deputy Sanitary Commissioner and Sanitary Commissioner in Poona, the municipality and the health officer will be perfectly welcome to have that assistance. But, after all, the time at the disposal of the health officer for his ordinary routine duties is so full up that there is hardly any time left for him to go into such difficult and scientific problems as the examination and analysis of water, soils,

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spleens, or the silting up of the river beds, and to go into other problems such as whether the bund which has been put up on the river is or is not at the root of the whole trouble. All that requires special enquiry at the hands of a special officer. Therefore, the argument that the Sanitary Commissioner and the Deputy Sanitary Commissioner are prepared to give their assistance to the municipality is not a very sound argument. What I contend is that the enquiry is of a medical nature, and it is of such importance that a full time man specially on this duty is a great necessity. However, I understand that Government are prepared to give a modified acceptance to my resolution, and if the municipality come forward to Government with better data and statistics as to the mortality Government would be prepared to appoint an officer to go further into the question. Am I right in understanding that that is the position of Government?

The Honourable Mr. G. S. Curtis :—If the municipality make out a reasonable case, the answer is yes.

The Honourable Mr. B. S. Kamat :—I will accept the assurance that Government will be prepared to help, if the municipality can bring forward better and more reliable statistics; on this understanding I withdraw the resolution.

The resolution was by leave withdrawn.

His Excellency the President :—I would propose that resolutions Nos. 23, 22, 20 and 18, which are all cognate to the Honourable Rao Bahadur Garud's resolution No. 19 should, with the concurrence of honourable members, be taken up together.

I should also wish to postpone resolution No. 24, which would normally have come on at this moment, to the end.

His Excellency the President :—Resolution No. 19. The Honourable Rao Bahadur Garud.

This Council recommends to His Excellency the Governor in Council that the pay of vernacular teachers be revised on the lines adopted by Government for the revision of pay of the clerical establishments in other departments.

The Honourable Rao Bahadur S. D. Garud :—Your Excellency,—In consequence of a resolution I moved, Government were pleased to appoint the finance committee to go into the question of the revision of the pay of the subordinate services of the Presidency. The finance committee met and made recommendations, on which Government have issued definite orders. But the question of settling the details about each department has been left over. In that resolution I recommended that Government should place before that committee the recommendations received from the heads of offices, but I was then told to modify that resolution in that respect, not because Government were unwilling to place the recommendations of heads of offices before that committee, but because the recommendations had not then been received, and all the details had not then been fixed. Now, however, we find that the recommendations made by the finance committee are supposed to apply not to all departments, but only to clerical establishments of the Presidency. The resolution requested Government to appoint a committee to go into the question of the revision of the pay of the subordinate services, and we find that it has only dealt with the grievances of the clerical establishments of the Presidency. The others have been left over. Their case has not yet been considered, and I do not know what Government propose to do in the case of the revision of other departments.

With regard to primary teachers, I may say that their case is a very hard one. I am sure honourable members of this Council have, every one of them, great sympathy with this class of public servants. That class, however, has not been quite liberally dealt with. Their scale of pay was fixed in 1887 at Rs. 5; the village primary teacher was supposed to work on Rs. 5. Then, between 1893 and 1894, this was slightly increased; an increment of Rs. 2 was given and the scale was then fixed at Rs. 7. Thereafter, in about 1911, the scale was again revised; it was taken up to Rs. 9, and finally to Rs. 12, and there it stands at present. This revision has, I think, to a certain extent always followed the revision of the pay of the clerical establishments. When the minimum pay of a clerk stood at Rs. 12, the pay of the primary teacher was supposed to be Rs. 7, and when the pay of clerks was raised to Rs. 15 and to Rs. 20, the pay of the primary teachers was also slightly increased, just to show a small increment on the original pay, and was taken up to Rs. 7 and Rs. 12. I submit that this class of public servants is really a hard-worked class. It has already done a great deal for the education of the boys in the Presidency, but it does not receive that remuneration which it has always deserved. The qualifications which

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are required of this class are by no means incomparable with those which are required of the clerks. They, too, have to pass the vernacular final examination, and some of them have also to take up special technical training. They go through the training colleges and put in two or three years, but at the end of even the second or third year they do not find that their prospects have materially improved. Their prospects are lower than the prospects enjoyed by men of even lesser qualifications in other favoured departments of Government.

I do not know whether the Honourable the Director of Public Instruction takes the same interest in his subordinates which the Honourable the Inspector General of Police takes, but I think, he has not been able, at any rate, to induce the Government of Bombay to take the same interest in his subordinates which the Honourable the Inspector General of Police has been able to arouse for his subordinates. There are also several other departments where revisions have come in frequently and liberally, and it is only this department whose claims have from time to time been shelved, because, perhaps Government had no money at hand. But, sir, it is usual to first meet those expenses which are very insistent, and to provide last for those expenses which may or may not be incurred, and, I think, Government probably consider that they are not to blame if they shelve the case of these poor people, and take it up last. But, sir, from the point of view of those people, I think, it is very necessary that they should at least have a living wage. Government placed before the finance committee a schedule prepared by their experts, which showed the minimum cost necessary to feed a unit of three individuals, which Government regards as the family dependent upon the wages of their subordinates. Government thought that the men who came into the clerical establishments of the Presidency came from classes which had a minimum of three individuals to feed. They calculated upon that basis, and they found that it was hardly possible to keep body and soul together on a pay of anything less than Rs. 35, and the first recommendation which they made, just to meet the absolute necessities of their clerical establishments, was a minimum pay of Rs. 35. The finance committee, however, thought that the proposal was a bit extravagant, and cut it down to Rs. 30, in the case of vernacular final clerks. After all, when Government take anybody in their employment, it is, I suppose, the duty of Government to see that the man who does the work for them at least gets enough to feed himself, and to keep himself fit for the work which he is doing. If this Government thought so and made a recommendation to the Government of India, that a minimum pay of Rs. 35 was necessary for a clerk, I do not know on what grounds they withhold this very necessary relief from their vernacular teachers. Is it not to be supposed that they also have to carry on a fairly decent existence? As everybody knows, they have no perquisites, and if that is so, it is obvious that they have to live entirely on their pay. Then, it also becomes the duty of Government to see that their pay is sufficient to meet the absolute necessities of life. I hope, therefore, that the pay which was suggested as the very minimum by the finance committee, namely, Rs. 30, for vernacular final men will be accepted in the case of the primary school-teachers, and that they will be able to get the benefit of that revision which has been given to the clerks, and with their better qualifications I hope that they will be able to get the benefit of better scales of pay than those which Government have introduced for their clerical establishments.

It may be contended that Government have no funds to meet this large demand from the primary teachers. I submit that it is hardly an argument which can be advanced in this case. Government have a very large balance on hand, and they have only to request the Government of India to allow them to draw upon the balance for this very necessary expenditure. I do not know why in such urgent cases the Government of Bombay should not make a request to the Government of India to allow them to draw on that balance. I once told the Council that I was present at a meeting of the Council when Sir John Muir-Mackenzie congratulated Government and the Council on passing the one crore limit for our provincial balances. As he had accumulated a crore, and passed that limit, he thought he had made a record. We have left that record long behind, and, with a balance of Rs. 4 or 5 crores, if we are not willing to help our servants in their absolute necessities, I think, we shall be failing in one of our duties. They now get a small war allowance which, I hope, everybody will agree hardly sufficient to keep the schoolmasters and their families provided even with their food, let alone the other necessities of life. Schoolmasters, I may tell the Council come from the middle classes of the population, where women do not engage in manual labour and do not earn their living, and it was upon that basis that Government calculated a unit of three individuals as dependent upon a clerk. In this case too, the same family of two individuals and the teacher himself will have to be taken into consideration in determining the minimum pay which is

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necessary for a vernacular teacher. I submit that it is absolutely necessary that we should consider their case, and that it is necessary that it should be quickly considered, and that relief should be given to a very deserving class of public servants.

The Honourable Rao Bahadur G. K. Sathe:—Your Excelleney,—I heartily support the resolution moved by my honourable friend Rao Bahadur Garud. When we are considering the case of these teachers, we may take into account the number of trained and untrained teachers that are affected. The number of trained teachers in municipal areas is 3,004, and that of untrained teachers in the same area is 3,159. I have taken these figures from the report of 1918-19. The number of trained teachers in the local boards is roughly 6,500 and that of untrained teachers is roughly 10,000 and odd. I do not intend to take honourable members back to the years 1887 and 1893. Let us see what state of affairs existed in the year 1918. We find that in that year when the prices had gone high—not as high as they are now—the untrained teacher was getting Rs. 9, and if he was a headmaster he used to get Rs. 11. The first year trained teacher got Rs. 12, and his maximum was Rs. 25. The second year trained teacher got Rs. 15, and his maximum was Rs. 40. The third year teacher began with Rs. 20, while his maximum was Rs. 60. Then early in the year 1919—about February—on the recommendation of the Honourable the Director of Public Instruction some slight change was made in their scale of pay. That was not really very adequate, and to judge the inadequacy of it, I will only give the figures. Instead of Rs. 9, they were Rs. 12; instead of Rs. 12, they were Rs. 15; instead of Rs. 15, they were Rs. 20; in place of Rs. 20, they were Rs. 25; while in the case of third, second and first year trained teachers, the maximum was left as it was with the time-scale of eight annas or one rupee per year. Since 1918 the cost of living has enormously increased; and it is admitted by Government, as I find from the increases given in various other departments that on account of the high cost of living, pay has to be increased. So, nothing need be said on that ground. That the teachers do require a more benevolent treatment at the hands of Government, is an admitted fact.

There was a conference of teachers held in the year 1919 over which my friend the Honourable Mr. Paranjpye presided in Poona and a deputation was headed by him. Although 15 months have passed, I am sorry to say that nothing has yet taken place in the direction of increasing their pay. The disappointment grew, and at the second conference over which I had the honour of presiding in May last the number of teachers gathered was about 400, and teacher after teacher came forward and gave most harrowing stories as to how he was suffering for want of adequate pay, and every one stated that it became practically impossible for him to live a decent life. Every one of us will perceive that in a village the office of a teacher is rather a dignified one. Every one looks up to the teacher, because all the youngsters of the village have to go to school and receive their training at his hands. What impression would be left on the minds of the villagers if they find that the teachers are so miserably paid that they cannot make both ends meet, and that in some cases they have actually to starve or raise loans from petty merchants in the village? Is that a creditable state of things? Surely every one of us will agree that it is not. Side by side, the disappointment has been accentuated, because, they find that Government has been treating other departments more liberally, and has not been paying adequate attention to the proper and due demands of such a useful class of public servants. That such a hard hit set of officers should have been left behind especially after Government have once admitted by their action in other departments that the state of affairs requires to be revised, is a matter of great surprise to me, and it must be a matter of great surprise to many others here. In the interval some arrangement was made to pay Rs. 4 on account of war allowance. So, the pay of Rs. 12 came up to Rs. 16. But if we take into account the pay which peons now receive —it is Rs. 16 per month—we see what the state of affairs is. Are we going to bring these teachers on the same level as that of—or on an equal line with—the sepoys and chapprasis? That only means that our educational system is sure not to command confidence with the general public.

I am told that even in the main training colleges the stipend has been raised now to Rs. 15 a month, and the whole of it is spent on board. When such is the state of affairs, I think it is high time that Government should consider their case immediately, so as to relieve the great stress under which this class is labouring. It may be pointed out—and it was stated by my friend the Honourable Rao Bahadur Garud—that want of funds seems to be the only excuse. Here, sir, Government seems to have begun at the wrong end. Government have revised the scale of pay in the case of high officers who could really have waited for a year or two more. In fact, without meaning any offence to those who

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were responsible for giving promotions in the higher grades of service, I do say that those servants who get Rs. 500 could really have waited to receive Rs. 700. If these poor people who get Rs. 12 and Rs. 16 are allowed to rot in the same condition in which they have been rotting for so many years, what a great disappointment it is to them. Furthermore, you create a kind of discontent amongst a class of officers from whom such work as the training of young children is expected. Yesterday it was pointed out by my honourable friend Mr. Purshotamdas Thakurdas that if Government has the will, Government will find the means; and resourceful as Government is, I do not think that any difficulty will really be experienced on that score in meeting the demands of these poor teachers.

There is another point which is involved in the discussion of the question, and I will not weary the Council by giving the figures, because, the resolution of my honourable friend Rao Bahadur Garud refers to bringing the pay of these teachers on the same level as that of the clerical establishment. That means that the untrained teachers ought, at any rate, to get Rs. 30 to begin with. The same scale has been prescribed for the clerical department if a vernacular school final candidate gets admission into that service. The untrained teacher does pass his vernacular final examination, and there is no reason why his case should be differentiated from the case of others. It might be said, sir, that these teachers in villages get some kind of perquisites. It may be a matter of old date. But so far as my own information goes, I do not think a village teacher can count upon anything of that sort now, and particularly when every commodity is getting a fairly good price in the market, nobody would think of giving anything by way of charity or by way of help to these village teachers, as they, I am told, used to do some 30 or 40 years ago.

There is one more point, and that is this. Looking to the number of untrained and trained teachers, and looking to the great hardship which has been felt by these untrained teachers, it may as well do—that does not mean that I am giving up the case of the trained teachers—but it may as well do, if Government makes up its mind at once to relieve the stress of these untrained teachers and pronounce in favour of the scheme as was demanded by the conference of 1920. It does not matter if its operation is postponed by some months. That, at any rate, is the view of these poor teachers, and with a most sympathetic Honourable Member in Charge of this department, I have every reason to hope that this resolution will find favour with Government and that Government will take immediate steps to relieve the distress of these poor teachers. With these words I support the resolution moved by my honourable friend Rao Bahadur Garud.

The Honourable Rao Saheb H. D. Desai:—Your Excellency,—I beg to submit that I have the fullest sympathy with the lot of teachers as regards their salaries. No class of servants exist in our administration who deserve better treatment than they do. If we wish to make teaching efficient, then the teacher must be paid well.

And in these times when we cannot get a pattawala for less than Rs. 20, to expect to get a teacher, even an untrained teacher having passed the vernacular public service examination, for less than Rs. 20, is to look out for finding people who cannot do their work properly. In 1918 I happened to be in charge of the schools committee of the Ahmedabad municipality, and the question was pointedly brought home to me as regards the inadequacy of the salaries of the teachers in the primary schools, and that was just about the time that the department announced the revision of time scale pay. I considered it expedient to move the municipality to raise the minimum salary of teachers in the primary schools of the Ahmedabad municipality to Rs. 20. The general board of the municipality accepted my proposal and at present there is no teacher in the primary schools of the Ahmedabad municipality who gets less than Rs. 20; and over and above that amount he gets also the war allowance. I at that time apprehended some departmental difficulty, and so I informally requested the Honourable the Director of Public Instruction to see that looking to the high cost of living in large cities he would see his way to accord his sanction to our proposal, and he was good enough to do it. Since then that is the rate at least in Ahmedabad. So the minimum pay that the teachers get in the schools of the Ahmedabad municipality is Rs. 20, plus the war allowance, and I think that it is the wage which is barely sufficient to make both ends meet, and therefore, a resolution of that character, which I thought yesterday would be the first to be brought before this Council, would meet with general acceptance. A resolution of this character seems to make rather an extravagant demand no doubt; but for this extravagance of the demand Government have to thank themselves. They have taken the revision of departments piecemeal. They have not considered the whole question together, and consequently

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it is not for them now to blame any one for coming up to them with the revision of the department with demands pitched high. But whatever view may be taken of the question whether it is possible financially to put the salaries of the teachers in line with the revision of the clerical establishment of other departments, at least the question as regards the minimum salary of the primary teachers is one which requires to be immediately solved in order that there may be no mishap and no serious bickering in that line.

I looked up the figures of trained and untrained teachers in order to see what will be the cost even of giving immediately a temporary and provisional allowance as is given in other departments. Roughly the number of teachers is about 26,840, out of which 10,338 are trained and 16,452 untrained. If I am not mistaken the average cost of the salaries of the trained headmasters is put down at Rs. 33, of trained assistants at Rs. 22, of untrained headmasters at Rs. 16 and of untrained assistants at Rs. 13. So calculating on that basis if my calculations are not wrong, it would require about Rs. 8,00,000 to bring up the minimum salary to Rs. 20; and if a provisional allowance is given all round to all the teachers instead of the war allowance, the cost will be at least Rs. 20,00,000. But in any case the position is that while in other departments people have got temporary and provisional allowance instead of war allowance, the teachers of primary schools have been only getting the war allowance. Putting it into figures the untrained teacher gets Rs. 12, and Rs. 4 as war allowance, so that he gets Rs. 16, and if you were to give him at least Rs. 20 as minimum, then the cost will be Rs. 8,00,000. If you were to give a temporary provisional war allowance to all the teachers trained and untrained, it will come to Rs. 20,00,000. But whatever be the cost this is a class of public servants on whom the future of the country depends, and therefore the question deserves serious consideration of this Council.

At the same time I do wish to bring it to the notice of the Council that it is a matter of very serious consideration whether financially it is possible to put teachers on a level with the clerical establishment in other departments. Whether the scale of revision on that line in other departments is a mistake or not, I am not prepared to say. But in any case when you have to treat in the educational department with untrained teachers, first year trained teachers, second year trained teachers, third year trained teachers, the demand as generally made in this resolution seems to me to be rather extravagant and not capable of ready acceptance. But as there are four or five resolutions on the agenda dealing with this subject, I have taken this opportunity of placing before this Council the fact that the minimum that requires to be allowed all at once is to grant the teachers a temporary and provisional war allowance as in the case of other departments so as to bring up the minimum salary to Rs. 20. If that is done the immediate need would be met, and at the same time I would request your Excellency that with reference to the general revision also the question had better be taken immediately on very sound lines so that the complaint may be put a stop to and this class of servants may continue to perform their duties with satisfaction to the public as well as to the department.

The Honourable Mr. S. B. Upasani:—Your Excellency,—I have great pleasure in supporting this resolution moved by my honourable friend Rao Bahadur Garud. It relates to a subject which demanded immediate attention of Government but which for a very long time has failed to receive the adequate consideration which it deserved. Only a few years ago the lot of these teachers, particularly the untrained, was even more unfortunate than it is at present. As pointed out by the Honourable Rao Bahadur Sathe they used to receive only Rs. 9, as initial pay and could rise to only Rs. 10. It was after I moved a resolution in this Council that the pay was raised from Rs. 9 to 12, and Rs. 12 to 15. But that is found to be quite insufficient now. This resolution concerns not less than 21,168 male teachers and 1,655 female teachers. Of the male teachers all excepting 1,268 are qualified, that is, they have all passed the vernacular final examination which is held to be the qualifying test for admission to the vernacular departments in the Presidency, and of these not less than 8,656 are trained. Some of them are first year trained, some second year and some third year. Now considering the initial qualification of these teachers and particularly of those of them who are trained for one, two and three years respectively, it will be admitted that they deserve far better treatment than is meted out to them, and they ought, I think, to get the same remuneration which servants in the other departments wih equal qualification receive. I need hardly state that these teachers are drawn from the same class from which our clerical class is recruited. For the vernacular clerk Government has fixed the starting salary at Rs. 30, rising to Rs. 80. Now let us compare that scale with the scale of the pay received by the teachers, and it will be seen that the pay that the teachers receive is far too poor to be allowed to be continued in these days. Through a sense of discipline they have submitted to their lot so long in spite of

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the hardship caused by the abnormal rise in prices, and we can very well imagine their difficulties. But even in their case patience has now reached its limit and if Government is not pleased to take early notice of their hard condition, I am afraid it will be too much to expect that their patience will continue longer. We have been flooded with representations from these gentlemen asking us most imploringly to call the attention of Government to the urgent need for immediate action in their case. I need hardly state to this Council that Government has done a great deal during the last few years to improve the lot of their servants in the other departments. But this class of servants alone has been left out. It was very rightly observed by the Honourable Rao Bahadur Sathe that Government commenced at the wrong end. They commenced at the top. They overfed the highly paid servants with increase of salaries, personal allowances, travelling allowances, duty allowances, overseas allowances and what not, and these low paid poor teachers have been left to starve in the face of the continued increase of prices. They have been compelled to struggle as best they can on the pretence that the administration is overburdened with other demands. Even as regards their pension the untrained teachers after thirty years' service get a pension of only Rs. 4 the same that is given to peons and menials.

Now, as regards the pay that these teachers get, I may state that it is not even half of what the postal peons in Bombay are getting at present. A postal peon in Bombay receives Rs. 27 as starting pay and rises to Rs. 45, and in addition gets Rs. 7 a month for house-rent. Even this is not sufficient to meet their cost of living, and being not satisfied with their lot they have gone on strike. It will be seen from this what amount is necessary for an ordinary family man. How can we expect these teachers to do their duty properly with the small pittance they are receiving at present. Government after an official inquiry have ascertained that the minimum cost required to maintain a small family is at least Rs. 35 to Rs. 40, and I believe the Government of India have accorded sanction to the initial starting pay of the clerical establishment being fixed at Rs. 35 a month. If that be a fact, it is both fair and necessary that the same scale should be applied to the teachers, both male and female. They have to suffer all the inconveniences and discomforts of village life, and in addition to incur expenses for sending their children to headquarter stations for being educated, and they have no other source of income.

They are drawn from the middle classes and are used to the standard of living of that class and their cost of living is the same as that required for that class. Then again in the village they pass for men belonging to the advanced classes and have to keep up that status. Well, if they fail to keep up their status, it affects not only their own position but even the interests of the school children. In fact, the miserable condition of these teachers is reflected even in the condition of our schools. A reference to the latest report will show that out of nearly 7 lakhs and odd pupils in the primary stage only 52,500 are in the upper primary stage and all the rest, 6 lakhs and more, are in the lower primary stage. If these teachers do not get a living wage, how can we expect them to do their responsible work satisfactorily or in a manner which we can approve of? And the future of the children learning under them does depend on the manner in which they are taught while in their charge. The village school is the cradle of education, and if at this tender age the children do not get instruction on right lines owing to the hard lot of their teachers, what do we expect as a result? There is no wonder that the quality of our students is deteriorating, and that the boys have to pass a larger number of years in the school than they ought to. Instead of a boy passing successively in each class, he drags on in the same class for years together. It is hardly a state of things which we can allow to continue. If we pay our teachers a proper wage and treat them in a proper way, then alone shall we be able to exact from them the proper amount of work in the matter of imparting instruction to young children which is so necessary in the interests of the country. I think, I need hardly labour the point further in appealing on their behalf, because, Government and the Honourable the Director of Public Instruction have been pleased from time to time to admit the hard condition of these teachers. The difficulty pointed out in their case is, that these teachers form so large a number that improvement in their pay and prospects will require a very large outlay which Government cannot easily meet. As to this I say that since 1912 this Government have received from the Government of India grants to the extent of Rs. 52,00,000 for education. That has given sufficient relief to the provincial exchequer, and I do not know, when Government have been able to find such large amounts to increase the remuneration of the police and other departments, why this department alone, with an Educational Member like the Honourable Sir Ibrahim Rahimtoola at the head, should find it difficult to get its adequate share of the provincial revenues. However tight the finance secretary may sit upon the revenues, our Educational Member

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in the interests of these men ought to be able to persuade Government to relax their purse and give the needful help that is so urgently required in the case of these poor people.

Another thing I wish to complain of is that, while these people receive too low a pay, even the war allowance which was sanctioned to other better paid clerks was not sanctioned in their case. The resolution which I have myself sent up requests that until a revised scale of pay is sanctioned and the teachers get their revised pay they should at least get the war allowance at the full rate at which the clerks in the mofussil at present receive the same. Another complaint is that even the war allowance which the teachers get from the Postal Department for doing postal work is not allowed to be drawn by them in full but is deducted from their total allowance which ought not to be done. With these words I support the resolution.

The Honourable Mr. R. P. Paranjpye:—Your Excellency,—I wish to accord my hearty support to the resolution brought forward by my honourable friend, and I wish particularly to impress upon the members of this Council that the position of the teachers is getting absolutely impossible, that they have almost begun to lose every hope of bettering their condition by petitions and applications, and so on, and that the other methods that are in the air in the country are appealing to some of the wilder spirits among the teachers. Now, as a member of the teaching profession myself I do not wish that the teachers should take to such wilder methods, and I do hope that Government and this Council will come to their rescue at the very last minute of the eleventh hour and make their position at least somewhat satisfactory. The figures about the pay of the teachers of the various grades are pretty well known to the members of this Council. At present the lot of the untrained teachers is the hardest of all. They are getting Rs. 12 a month, with a war allowance of Rs. 4 a month. Now just conceive a man supposed to be presumably working in a respectable profession—not of a manual labourer—getting Rs. 16 a month, when by all statistics the cost of living of a single person is rather over Rs. 16. According to the statistics of the Inspector General of Jails you will find that the cost of maintaining a single prisoner in a jail is Rs. 17 and odd annas, and we pay our untrained teachers the magnificent salary of Rs. 16 a month including Rs. 4 war allowance. Consider the case of the postmen themselves. Now honourable members know that several of these teachers are also administering the post office in connection with the postal work in the villages. The teachers are postmasters also, and curiously enough the postal runners whom they employ get even more than the teachers themselves who act as postmasters, even including their war allowance. Now, is this state of things creditable to Government, or to the Council or to any country at all? I think these facts need only to be stated in order to find a remedy. It is not right for anybody to come and say "We have got no funds". If funds are not available, we have got to find them in some way or another. It is not right that we should ask these teachers, who number about 27,000, to wait and wait. The question is often asked, if these teachers are not satisfied in their present occupations, why do they not leave their profession and take to some other? Now it is a question that is very easily asked, but it is, in my opinion, the hardest question. Labour even in the most advanced countries in the West is not very mobile. You find that in particular cities you are often able to lower the wages below the standard of wages in other professions or other cities. It takes some effort, it is a great wrench, for a person to move from a place to which he is accustomed or from a profession to which he is accustomed. Well, therefore, it is possible, if we stretch it to the breaking point, the teachers might take to another profession. But is it right for Government, is it right for this Council, to force the teachers to do so? I think it is sound policy for Government to see that these teachers are not compelled to take to other professions, and that we take steps at the proper time to stop any manifestations of unfriendliness. Some of the teachers are considering wilder measures and members of this Council like myself have occasionally seen resolutions passed by various associations of teachers that they are thinking of giving up their jobs on such and such dates if Government does not come to their rescue early enough. I hope the Honourable Member in Charge of the department will make a satisfactory declaration on this point. It is not right to say that the Education Department is to be a transferred department in the coming Council and that we should not tie the hands of the new Council at this time. But let me tell the members of Government and the Council that we cannot expect the teachers to continue to work under the present difficult conditions. No teacher can be expected to continue to work at this starvation wage. Whether it is a transferred or a reserved department, the teachers will have to be paid a living wage, a wage which they can get in other walks of life. We are often told that the extension of primary education has not made much progress on account of want of teachers. Can we fail to understand that this want will continue to remain until we put our teachers on a proper economic footing? Even in the countries of the West the teachers' salaries

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are comparatively low and the primary teachers are none too handsomely paid, but you will see that in a country like England most of the primary teachers are women, who have not got any families to maintain and they have to practically maintain themselves. The social conditions in this country are different; teachers here are generally males and have generally families to maintain, and they have also to maintain some social status. In the case of a manual labourer, for instance, other members of his family, his wife for example, earn at least something. In the case of a teacher here such addition to his income is not possible. We must, therefore, see that we give to the teachers a wage which is not only sufficient to maintain a single individual but sufficient to maintain a family of three persons at least. I, therefore, think that a revision is absolutely necessary.

I did not quite understand the Honourable Rao Saheb Harilal Desai's argument that the scale of teachers' pay should not be raised to the same extent as in the case of other departments which are recruited from a somewhat similar class of people. I think that the finance committee which considered the revision of these establishments thought that Rs. 30 might be just the possible minimum for a vernacular final man to begin his career in the department, and I do not think, with the high rise of prices that we are experiencing, that we can do very much lower than give the teachers a minimum wage at least to that extent. Of course, the case of the untrained teachers is the hardest. That has got to be considered first of all. My honourable friend Rao Bahadur Sathe said that even if we now in a very few days give substantial relief to the untrained teachers, and give a promise to the others that within five or six months a revised scale will be sanctioned and brought into effect, a great part of the restiveness of the teachers will disappear. But I do want the Council and Government to understand that the position is really getting very difficult. We might even one day be faced with a situation of all the schools being locked up and the keys sent by registered post to the deputy educational inspectors of the divisions. That is not a state of things which we would welcome or which is in the best interests of the people. Little children after all, get all their impressions as to what is right from their teachers, and the teachers ought not, in my opinion, to set an example of drastic measures, but we must see that the teachers are not required to undertake these drastic remedies.

The Honourable Mr. B. S. Kamat:—Your Excellency,—After the remarks of the previous speakers, I think, I need not go into details, especially the harrowing details as to how Rs. 16 a month is not enough for a family consisting of more than three or four children. But what I want to emphasize is this. As the Honourable Rao Bahadur Sathe and the Honourable Mr. Paranjpye have said, I happen to know the depth of feeling that has been aroused of late amongst primary teachers from the three Divisions, and I think, their impatience has grown to such a pitch that matters are coming to a crisis, and I think it is my duty to inform Government that it is now high time that the whole question is gone into and some sort of recommendations made. Time is the essence of the situation in coming to a decision. I think fifteen months have been allowed to pass without anything having been done in the matter. Other services have been given a revision; only the primary teachers' case has been kept back. As I said, time is the essence of the situation, and the question requires very early settlement.

There is only one more remark which I wish to make. We have often been told that Government have every sympathy for the primary teachers, but that the difficulty is financial. I should like to make one observation as to this attitude. It is the duty of Government to lay down what the living wage shall be, and having laid it down, I think, the salary of these poor teachers ought to be the first charge on our finances. It is not a sound argument to say that Government recognize that the teachers deserve to get more than Rs. 16, but that Government have not the money. Take the case of a millowner. If he says that he wants 2,000 millhands, and he recognizes that their living wage will be so much, but that he has not got enough money to pay them, I think, the only answer to him would be that he ought to shut up his shop or reduce the strength of his employees. The principle to be laid down is this. First fix a living wage, and when you accept that living wage, then that wage for the 27,000 primary teachers, in fact for all your employees, ought to be the first charge on the finances, whatever they may be. All other matters of public expenditure can stand. If this principle is accepted by the Finance Department, I trust that it will allay the unrest among the primary teachers.

The Honourable Sheikh Ghulam Hussein Hidayatallah:—Your Excellency,—I do not think a salary of Rs. 12 and a war allowance of Rs. 4 is a fair wage for schoolmasters. I think that like all other public officers the schoolmasters ought to be given a living wage. I had the honour to preside, recently, at the conference of the Sind primary teachers, and their resolution has been forwarded to Government. There is great discontent among

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them. The only difference I find between the primary teachers and other public servants is that, if other public servants were to go on strike, it would affect the whole of the administration, but if the poor teachers were to go on strike, that would not affect the administration, but only the progress of the country to a certain extent would be retarted. I think that because the schoolmasters are helpless, Government should not take advantage of their helplessness. I, therefore, trust that your Excellency's Government will revise their salaries as they have done in the case of other public servants. With these words I support the resolution.

The Honourable Mr. P. J. Mead:—Your Excellency,—I request permission to elucidate the situation as regards the present state of Provincial balances which, I gather from various speakers, is regarded as an inexhaustible store on which we can draw to meet any of our more urgent demands. In 1919-20 we had an opening balance of Rs. 4,94,00,000. That has been the result of the steady mounting up of the balance since the embargo placed on expenditure generally during the war. In 1917-18 it was Rs. 2,71,00,000, in 1918-19 it was Rs. 3,91,00,000; the revised figures for 1919-20 stood at Rs. 4,40,00,000, and, as I have said above, our balances finally reached the figure of Rs. 4,94,00,000. In the present year's budget we drew on this reserve to the extent of Rs. 3,89,000. We have now reached a stage at which there is a change in the classification of both revenue and expenditure. Whereas the expenditure of this Presidency has mounted steadily under the old classification, from an average of about Rs. 7,00,00,000—that is the pre-war average for five years—to an expenditure of over Rs. 12,50,00,000, under the new classification, without making any allowances for increased establishment charges, the revenue will amount to Rs. 13,99,00,000, roughly Rs. 14 crores, and the expenditure to Rs. 13,41,00,000. Now, in the current year's budget, owing to the rise in the cost of living and the necessity for increasing establishment charges, it has been found necessary to reappropriate largely in order to meet these various charges. We have, in this way, found Rs. 20,50,000 for various establishments not provided for in the budget.

We have had to provide Rs. 16,00,000 for police, and we shall have, under the new arrangement, to provide Rs. 8,88,000 for famine. That is apart from what we have to provide for protective irrigation and other famine purposes. Finally, so far as we are informed at present, we have our contribution to make to the Central Government of Rs. 56,00,000, and, with a small increase in the Secretariat establishment charges of about Rs. 2,25,000, the total bill amounts to Rs. 1,03,63,000. Adding Rs. 1,03,00,000 to the Rs. 13,41,00,000 which has already been calculated under the revised classification, we have a total expenditure of Rs. 14,44,00,000 as against a total revenue in sight of Rs. 13,99,00,000. It takes very little calculation to show that our present closing balance of Rs. 4,00,00,000 will not last for very many years.

I have no figures as regards the cost of any of the proposals which honourable members have in mind, nor am I clear in my own mind that any of them have been worked out, but from figures which I have been shown, I believe that the revision of the educational establishments will probably entail an addition of something like Rs. 28,00,000 to the budget.

The Honourable Sir Ibrahim Rahimtoola:—Your Excellency,—At the outset, I will recognize that there is a fairly strong case in favour of giving higher wages to primary schoolteachers. So far therefore, as the real issue before the Council is concerned, Government are satisfied that some relief is called for in this direction. I must not, however, be understood to admit that the proposition which the Honourable Rao Bahadur Garud has put before the Council is in any way reasonable. I am inclined to agree with the Honourable Rao Saheb Desai that the demand has been pitched a little too high, but I can appreciate the feeling that on such occasions it is perhaps desirable to pitch a little too high in order to get what may reasonably be considered to be adequate. I think honourable members will recognize that it is not possible, in a deliberative assembly like this, to go into the details of what is a fair wage and what relief should be accorded. That can only be done by the department by itself, or in consultation with a committee. I may invite the attention of honourable members to the fact that this resolution has been brought forward in the middle of the year. This resolution would have been more appropriate if it had been brought forward at the time when the budget estimates were under consideration. The ordinary financial practice in the course of a year is that the allotments given to different departments are to be spent by that department, and if there are any savings under one head, they can be reappropriated towards other heads. It will, therefore, be apparent that unless the Finance Department is willing to provide funds in addition to those provided in the budget, the department concerned is not able to incur any

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new expenditure. At the same time, as I have said, the case made out, especially for the untrained teachers, is very strong, and calls for relief. To what extent that relief should be given is then the next question.

I believe honourable members realize the principles on which provincial finance is conducted. There are only two ways in which any new additional expenditure can be met. One is by reappropriation, and the other is by additional grants from the Finance Department. As regards reappropriations, a substantial part of the savings has already been reappropriated, and the only item in the budget which has recently been sanctioned, but which has not been spent, is the provision of Rs. 6,00,000 for the extension of primary education. Honourable members are aware how very keen I personally am in favour of the extension of primary education, especially in rural areas. I believe honourable members are with me in desiring a substantial extension of primary education in the villages. It was my intention to start a programme of 1,500 additional schools in the villages every year, so that, in the course of six years all the remaining 9,000 villages, which are without schools at present, could be provided with a school. But, as honourable members are aware, education is a transferred subject, and therefore, the views of the Minister and the enlarged Legislative Council will prevail as regards the future programme of extension. So far as the current year is concerned, there is a provision of Rs. 6,00,000 in the budget, from which we hope to open about 1,500 new schools during this year. But this question of the revision of the pay of primary schoolteachers has come up, and it is a question whether honourable members desire to proceed with the full programme of extension, or whether they would prefer to take a portion or the whole of this provision in the budget for giving relief to these teachers. As I said, though I feel very keenly on the question of extension of primary education, I recognize the force of the arguments that have been put forward by honourable members, and I am prepared to consider what is the best way in which to deal with the question of primary education, so far as the present Government is concerned. Personally, I will tell you this, that I will be very glad to use all my influence to persuade the Finance Department to give me as much money as it can possibly spare in order that both the programme of extension and the relief to primary teachers can be carried out. But that is a question in which the Finance Department will have a decisive voice. At the same time, I should like to point out how very difficult the question is. The Honourable the Director of Public Instruction has submitted figures to Government showing that the total cost of a revision on some such lines as have been advocated by honourable members, comes up to about Rs. 38,00,000 per annum. I think it is necessary to point out that some of the honourable members have rather exceeded their criticism by saying that nothing has been done for primary schoolteachers, while a revision in the case of clerical establishments has taken place. They ought to remember that it was only last year that Rs. 15,50,000 recurring annual expenditure has been accepted by Government for giving higher emoluments to primary schoolteachers. It is, therefore, hardly correct to say that while clerical establishments have had relief, the primary teachers have had none. The relief to them since last year has amounted to Rs. 15,50,000 recurring. The balance, therefore, which is needed is 22 lakhs, and, I think, honourable members will agree with me in thinking that it is hardly right that in the middle of the year we should commit this Government, when the Ministers are coming on the scene within two months, to the whole of this programme. I recognize that a reasonable view has prevailed in the debate when honourable members said that if immediate relief is given to untrained teachers, the case of other teachers might wait a little longer. It is, however, difficult to work out all these figures. The relief would, in addition to the 15½ lakhs already provided during the current year, involve another 9 lakhs. Even the saving from the delay in the starting of primary schools is already reappropriated. So, if the whole programme of the extension of schools is dropped, there is not sufficient to meet the requirements of these teachers. Honourable members will, therefore, see that the problem is one which cannot be decided in a deliberative assembly like this Council, but that it must be tackled in a committee on which the Finance Department should be adequately represented. I would, therefore, ask that honourable members should agree to the suggestion which I am placing before them to the effect that a committee consisting of official and non-official members should be appointed to ascertain what immediate relief is required in the case of primary schoolteachers, what is the present position of provincial finance, how much can be made available out of the provision for education which already exists, and whether it is possible to secure some additional grants from the Finance Department to deal with the whole question comprehensively. If honourable members are agreeable to some such solution, I would personally prefer a committee consisting of the Honourable Mr. Paranjpye, the Honourable Rao Bahadur

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[*Sir Ibrahim Rahimtoola; Rao Bahadur S. D. Garud; Sheikh Ghulam Hussein Hidayatallah; the President; Mr. G. S. Curtis.*]

Sathe, the Honourable Rao Saheb Harilal Desai, with the Honourable Mr. Lawrence as the financial secretary and the Honourable Mr. Covernton and myself, to report to Government as expeditiously as possible. I trust that this is a practical way of dealing with the problem. This Council cannot go into the details, because, it involves a lot of figures about the different classes of primary teachers, and the question of the necessary finance to relieve them has also to be considered. As I said at the commencement of my observations, Government recognize that the case, especially of untrained teachers, is a very strong one, and they will do their best having regard to their financial position, to meet with the requirements of the case, so far as these teachers are concerned. If the Honourable Rao Bahadur Garud withdraws his resolution, I will, on behalf of Government, appoint this committee at once, try to have meetings at an early date and proceed with the consideration of this problem immediately.

The Honourable Rao Bahadur S. D. Garud:—I shall accept the suggestion of the Honourable Member in Charge if he is willing to take me on the committee.

The Honourable Sir Ibrahim Rahimtoola:—Your Excellency,—My point is this. We have already two members of the Central Division on this committee, and out of the three non-official members one represents the Northern Division. If the Council so desires, I will have no objection to add one more member representing the Central Division though that will mean over representation of one Division. I should like to add in that case the name of the Honourable Sheikh Ghulam Hussein Hidayatallah for Sind, in addition to the Honourable Rao Bahadur Garud. Under my suggestion there will be two members of the Central Division, and one of the Northern Division. If the Honourable Rao Bahadur Garud is so insistent, I will add his name and also that of the Honourable Sheikh Ghulam Hussein Hidayatallah.

The Honourable Rao Bahadur S. D. Garud:—I was not, your Excellency, so anxious to secure the representation of my Division. I was only anxious to be on the committee to be able to put this case of teachers more strongly before the committee, because, I do not really believe that this committee is going to decide the question as quickly as the teachers would wish it to do. The Honourable Mr. Paranjpye has already given definite indications of what the teachers wish to do.

The Honourable Sir Ibrahim Rahimtoola:—Your Excellency, I have already agreed to include the Honourable Rao Bahadur Garud and the Honourable Sheikh Ghulam Hussein Hidayatallah.

The Honourable Sheikh Ghulam Hussein Hidayatallah:—Your Excellency, I request that my name be not included on the committee.

The Honourable Rao Bahadur S. D. Garud:—In the light of the remarks made by the Honourable Member in Charge, I beg leave to withdraw the resolution.

The resolution was by leave withdrawn.

The Council then adjourned till 2-45 p.m.

After Lunch.

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

A Bill further to amend the City of Bombay Improvement Act, 1898, and the City of Bombay Municipal Act, 1888 (Bill No. VII of 1920).

His Excellency the President:—Bill further to amend the City of Bombay Improvement Act, 1898, and the City of Bombay Municipal Act, 1888, Bill No. VII of 1920, second reading.

The Honourable Mr. G. S. Curtis:—Your Excellency,—I have the honour to place before the Council the report of the select committee on the bill to amend the Bombay Municipal Act, 1888, and the City of Bombay Improvement Act, 1898. The report with the bill as amended and with the further list of amendments which it will be my duty, if the bill is read a second time, to place before the Council, is at first sight a rather formidable document. But if it is more closely examined it will be seen that it is not quite so bad as it looks.

The Honourable Mr. G. S. Curtis moves the second reading of the bill.

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For though the second list of amendments is formidable, those amendments do not, except in one matter, involve very important principles, and even in that one case, according to the layman's view, the question at issue does not appear to be one of very great importance. However, lawyers are difficult people to please, and my labours on the committee have convinced me and probably other members of the select committee as well, of the importance of following their advice. We hope that the bill as finally amended will prove a workable as well as an intelligible one. For this result my acknowledgments are due to the Honourable the Advocate General and to the Remembrancer of Legal Affairs for the patience with which they have grappled with the problem of expressing in legal phraseology the committee's wishes and ideas.

I will now proceed to deal with the committee's report and with the bill as presented to this Council with that report. The eloquent speech with which your Excellency introduced the original bill dealt with large matters and covered a larger ground than the question covered by the bill before this Council actually necessitated. It would have been easy to avoid this and confine the discussion to the matters actually dealt with in the bill without materially reducing the acceptability of the measure. In fact, if I may say so without disrespect, His Excellency the Governor infringed his own rules. But Government felt that it was incumbent on them to place the whole case before this Council and before the public and take them into their confidence. Efforts have been made outside this Council to supplement the information given here by lectures and lantern-slide demonstrations. We are having the whole scheme placed before the citizens of Bombay and in this way we feel that the citizens of Bombay will understand that the scheme is their own, not Government's, and that it is to their interests and to the interests of the public to support it to the best of their means. As I have said, the Council are aware that an appeal has been made for support to a Government loan to which the response has been favourable. The figures of subscriptions to the loan up to yesterday amounted to very nearly three crores of rupees or approximately one half of what Government require. I think I may claim with confidence that this response of the public of Bombay, in spite of the unfavourable conditions due to the stringency in the money market and slackness in the cotton trade and unfavourable climatic conditions in parts of the Presidency, has shown their keenness to support the policy adumbrated by your Excellency's Government.

The original bill as placed before this Council dealt, first and foremost, with the problem of housing the industrial population in Bombay; secondly, with the development of the area adjoining the island of Bombay. As these two objects were not clearly stated in the bill, the committee have decided to amend the preamble so as to bring them in clearer relief. The purposes are more clearly stated. They are (1) the construction of 50,000 tenements for the working classes, (2) the carrying out of development in the area adjoining the island of Bombay. As regards the latter, a notification is being issued under section 7 of the Land Revenue Code constituting a separate Bombay Suburban Revenue Division, which will consist of the southern two-thirds of Salsette Island; in other words, the area south of the line drawn from Dahisar station on the west, north of Tulsi lake, to Mulund on the east. The object of constituting this new division is to bring the area in question directly under the control of an authority stationed in Bombay and render it unnecessary to refer any question arising out of land and of development, through the Collector of Thana to the Commissioner at Ahmedabad, 300 miles away. It is hoped in this way to secure greater expedition and the necessary concentration of energy which is specially needed for the development of this area. Steps have further been taken to define precisely the proportion in which the money raised by the cotton duty is to be spent on this area. Under section 195B (1) the municipality has to pay to Government monthly four-sevenths of the duty arising out of town duty on cotton. It is expected that this amount will exceed 17 lakhs a year. The amendment placed before you by the select committee prescribes the proportion of the amount which is to be spent on the town area and the area adjoining the island of Bombay. The suburban revenue division will receive four lakhs; the urban division over thirteen lakhs, or more. It may be confidently expected that this is likely to increase.

Section 195C is a new section, the drafting of which has given some trouble. But the idea underlying is as follows: As His Excellency explained in his opening speech, Government have taken up the construction of the industrial tenements themselves, because, they were convinced of the need for direct action, for prompt and vigorous measures for the removal of what is a very great public evil, and they were satisfied that no local body had the staff, or the land or credit to carry out the necessary work, but they have no wish to figure permanently as landlords of working class residences. When the tenements are constructed and the rents stabilized, there is every reason why they should be transferred to a

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local body. Accordingly, provision is made for the transfer to the municipality, at their option, on April 1, 1936, or on a subsequent date, of the tenements in question on the corporation indemnifying or recouping Government against their liabilities in respect of existing or future loans raised by Government with a view to the provision of these tenements. In order to enable this to be done, the amendments now proposed by the committee provide for separate accounts being kept and for reference to arbitration in the event of dispute as regards the form and amount of indemnity. I shall later, after the bill is read a second time, move an amendment, which honourable members of this Council will see as No. 5 on page 2 of the further amendments, so as to lay down clearly what form the indemnity will take.

The committee in their last paragraph refer to the advisability of constituting advisory boards. There was some difference of opinion regarding the actual personnel of the Bombay City Board, which showed that the matter was not devoid of difficulty. I will only add that I will see that the committee's recommendation is placed before Government and that it receives due consideration.

I have now to refer to the last section of the bill, which refers to the amendment of the Bombay City Improvement Act. There is a small amendment there. The idea of the original amendment was to extend the period of 28 years to 50 years. The committee have now proposed to make it still wider, and the clause will now read, if that amendment is carried, " not less than 28 years and not more than 50 years ". With these remarks I beg to place the bill before the Council and to move that it be read a second time. In doing so I desire to tender my acknowledgments to the members of the select committee for the help they gave in framing the somewhat difficult amendments and to thank them for the great patience with which they have done their work. My acknowledgments are also due to my honourable colleague Sir Ibrahim Rahimtoola who regularly attended the meetings of the select committee and assisted me in the deliberations to a considerable extent. With these words, sir, I move that the bill be read a second time.

The Honourable Mr. C. V. Mehta:—Your Excellency,—I have very great pleasure in supporting the second reading of this bill. At first sight it might appear that the bill has emerged from the deliberations of the select committee in an almost unrecognizable form. But, sir, all the sections that have been added are fully covered by the objects and reasons that first accompanied the publication of the bill. The main thing that we were striving for was to make statutory provision by which any difference or any doubts as to the objects of this measure should in future be altogether removed, and we have come to a satisfactory arrangement on the main issue whether the major portion of the cotton duty, that is to be paid to Government is to be devoted for the purpose of putting up the houses which every one acknowledges are urgently required in Bombay city. A statutory obligation has been placed by which about thirteen lakhs of rupees will be allotted for the purpose of housing in the city proper and four lakhs for the development of Salsette, to which we hope the city's limits will in the near future be extended. I should like, sir, to tender my acknowledgments to my colleagues on the select committee who on somewhat trying occasions endeavoured their best to look at the municipal as well as the public point of view and have been instrumental in arriving at this satisfactory conclusion.

There is one part of the report of the select committee to which I should like to refer, and that is the agency which is to be associated with Government in advising Government as regards the carrying out of this huge programme. It might appear, sir, from the statement made in the report that there was a definite opinion against what is called an executive board. As a matter of fact, I think, I am correct in stating that several members of the committee voted against an advisory board, because, they desired to have an executive board. Otherwise the majority for the committee's recommendation would have been much larger. Now, sir, the only reason for advocating what we call an executive board is to see that Government do not only get the advice of the committee that is going to be constituted, but that the committee should have a real voice in deciding the general policy of carrying out the work, such as, particularly, the disposal of the lands and the properties that would be created under the scheme. But the agency, however, sir, is a matter which does not arise on the present occasion, and if an attempt were to be made to entrust the whole of this work to an executive committee, then fresh legislation would have to be undertaken and valuable time would be lost. This, therefore, is a matter that must be left to the reformed Council, if there arises a necessity for urging the creation of an executive board, particularly if it is found that more co-ordination in the work of the various public bodies in the city is desirable.

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I will now crave leave, your Excellency, to say a word upon the far-reaching effect of what appears to be a simple measure. Credit is essentially due, sir, to the big idea which was that in order to relieve the congestion in the city and blot out an acknowledged evil, what was required was an immediate and increased production on a large scale. When housing conditions have reached this acute stage, all other measures such as rent acts and legislation to prevent profiteering merely touch the fringe of the question, and do not attempt to solve the problem at its root. That, sir, is the underlying idea of the Prime Minister's action in trying to make the wages dependent upon production. In a weary and restless world what is required is more production, and as regards Bombay there is no greater necessity than the production of houses and more houses. But, sir, the more ambitious the programme, the greater is the necessity for the exercise of untiring energy, of great tact and of business acumen, to bring that great idea to fruition. How these are constantly being applied by your Excellency is a matter which is now well known to the public. I feel, sir, that the vigorous measures that are now being pushed forward will remove the blot of congestion from our beloved city and will bring some good, some peace, to the minds of the large number of the working classes who in these days of restlessness nurse a just grievance. I am sure, sir, that when the results of this scheme are seen, they will be a monument to your Excellency's courage and strenuous efforts more lasting probably than marble or bronze.

The Honourable Sir D. M. Petit:—Your Excellency,—At the time of the first reading of this bill, in your Excellency's speech your Excellency inundated the Council with such a large extent of important material that I did not feel equal to the task on that occasion to offer any remarks on this bill.

But, sir, at that time, you were good enough to observe that on the next occasion we could come after digesting the details that were mentioned by your Excellency in your speech, and offer such observations as we could. Taking advantage of that remark, I now rise to express, in the first instance, the deep gratitude of the citizens of Bombay on the great courage with which your Excellency has taken up this subject, the importance of which was felt by the Government of your Excellency's predecessors, but either through want of courage which was necessary in handling such a bold measure, or through want of facilities for raising finances on the gigantic scale which is required for the execution of this scheme, it was not taken up in those days. You, sir, rightly call this bill the first link in the chain of the measures for making Bombay a still greater and a still more important city than what it is at present, and, sir, as a humble citizen of Bombay, I legitimately take pride in being a member of this Council and in being on the select committee which has been instrumental in forging this measure.

I might say, sir, that there is a feeling among the public that the development office should be associated with an executive committee, who should advise the development officer on the various important measures that he will have to deal with in the future, and particularly at a time when the sites for offering to the public will be ready. I trust, sir, that when those sites are ready, they will be offered to the public by open auction and by no other system.

It is somewhat unfortunate that of late a practice has been introduced in a public body of giving sites by preference. I am sorry that my own community is connected with that transaction. But I trust, sir, that the beginning that has been made in that direction will end there, and no more sites will be given either to any community or to any societies by preference, but that all the available sites will be sold to the public by open auction. The system which has been introduced lately of giving sites by preference is harmful in more ways than one. It establishes, to a certain extent, a sort of South Africa in a small measure, where areas are open for use only to certain communities, and other communities are shut out, which is a policy which will not be conducive to the public interest, particularly at the present time when unity amongst the different communities is so essential, and where goodwill is so necessary amongst the various communities residing in the city.

With these remarks, sir, I once again unhesitatingly congratulate Government in taking up at last this measure, and coming to the relief of the city which was so badly in need of it.

The Honourable Mr. Phiroze C. Sethna:—Your Excellency,—I rise to accord my hearty support to the second reading of this bill. The details of the development scheme came upon us, at the first reading, with a certain amount of suddenness, and consequently, when we followed your Excellency after the speech which you made in moving the first reading of the bill at the last session, we were not in a position, as we would have liked to have been, to offer any considered criticism. Nevertheless, we certainly felt it imperative

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to tender to your Excellency and to your Excellency's Government our very best thanks for the keen interest displayed by you in trying to improve, as best possible, the housing accommodation for the masses inhabiting the capital city of this Presidency. Since the first reading of the bill seven weeks have elapsed, and during that interval, we have had sufficient opportunities to consider the details of the scheme, and the more we think of it the more we feel that we ought to reiterate our thanks and our appreciation.

In ordinary circumstances, the Bombay municipality would have perhaps felt it a grievance, and considered it an encroachment upon its privileges, that the work of constructing so many thousands of tenements, particularly with the help of the duty to be specially levied on cotton bales arriving in Bombay city, should not have been entrusted to it. But, under existing conditions, the municipality realizes that its hands are full at the moment with several large schemes which it has in view, and also the municipality, within a few months, will have thrown on its shoulders the work of the City Improvement Trust. In view of this, we endorse your action in appointing a special and a separate department of Government for carrying out the scheme, although, as the Honourable Mr. Chunilal Mehta and the Honourable Sir Dinshaw Petit have said, I think, perhaps the task might have better been entrusted to a newly created executive body on the lines of the Improvement Trust or the Port Trust. Sir, at the first reading I had suggested that if such an executive body were not possible, the development officer might at least have the help of an advisory board. That recommendation has been endorsed by the select committee, and I am glad to hear from the Honourable Member in Charge that it will receive due consideration at the hands of Government.

Whilst referring to such an advisory board, I would like to make some observation on the remarks just made by my honourable friend Sir Dinshaw Petit, who objected to the principle which has been adopted by another public body in disposing of the plots of land they lease to the public. The Honourable Sir Dinshaw refers of course to the Improvement Trust and to the manner in which that body has, during the last two or three years, been helping various charitable organizations and co-operative societies, at rates perhaps lower than the market rate. If the Honourable Sir Dinshaw has any objection to the development officer disposing of plots, Government will relieve his anxiety by appointing this advisory committee, for such a body will be able to offer valuable suggestions to the development officer. I cannot, however, endorse all that has fallen from the honourable member. The honourable member has said that all plots which may be available under the development scheme should be dealt with in no other way except that they be sold by public auction, and he criticised the action of the Improvement Trust in the manner it has helped certain bodies, and amongst which is also a society from the community to which both he and I belong. As a member of the Board of the Improvement Trust I certainly see nothing wrong in the practice we follow and the manner in which the Board has helped different organizations. I believe we have only done what a wholesale merchant is accustomed to when he disposes of a large amount of his goods at a somewhat cheaper rate as compared to what he would do if he were selling his goods retail. Again in such cases the Board imposes restrictions whereby the societies can only charge rents which will not mean to them a return of more than 5½ to 6 per cent. interest. If the Honourable Sir Dinshaw, however, has in mind the Improvement Trust's recent negotiations with a certain community in regard to land at Worli, and is afraid that that community is to be unduly favoured, I may assure him that the trustees will treat them on fair basis and on the same basis as they will treat other communities preferring similar applications without in any way prejudicing the interests of the trust or the public.

Your Excellency, in regard to the arrangements provided in the bill, I would like to say that the municipality has been dealt with very liberally. In addition to the three-sevenths share of the duty roughly estimated at Rs. 12,00,000 a year, which they are to retain and spend in any manner they please, Government have agreed to spend out of their four-sevenths share of the cotton duty nearly four-fifths expressly on the construction of tenements in the city, and what is more, the municipality is given the reversion of these buildings. Others, like myself, who are members of the municipal corporation, fully recognize and appreciate the action of Government in this matter. But, sir, what we were anxious about was that such generosity should not be restricted to speeches in the Council or to reports of discussions in select committee, but that they should be translated into so many words and be embodied in the act so that some years later when your Excellency or the present Honourable Member in Charge are not here, there may arise no misunderstandings whatsoever in regard to the intentions of the framers of the act as does sometimes happen. This, sir, has been done to our entire satisfaction, and we have reason to be thankful to the Honourable Member in Charge, and, it is because of the inclusion of these clauses that

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we have been able to come to the Council with an unanimous report from the select committee.

Your Excellency, we hope now that the bill will soon become law, that all the details of the scheme will be carried out to their fullest extent and to your entire satisfaction. We are exceedingly pleased to know from the Honourable Member in Charge that the public have already applied for Rs. 3,00,00,000 of the new development loan. We trust that your Excellency's appeal to the public of Bombay will result in this loan being largely over-subscribed, not only this year but in future years when Government will have to go to the public for more funds, without which sinews of war much progress cannot of course be made.

The construction of several thousands of tenements on modern lines by the Development Officer, helped by the contributory work to be done by the municipality in the shape of an increased water-supply, better drainage, larger hospitals and aught else, is calculated to have very far-reaching results, results which we cannot possibly foresee at this date. If in due course, they will only add to the comfort, convenience and well-being of the inhabitants, bring about a reduction in the number of cases of sickness, a consequent decrease in the rate of mortality, a possible increase in the average duration of life, and a proportionate conservation of the physical strength and wealth-producing energy of the citizens, your Excellency, your Excellency's Government and the Bombay municipality will not have worked in vain.

The Honourable Mr. S. B. Upasani:—Your Excellency,—I regret I have to strike a note of discord in saying that I cannot see my way to support the second reading of the bill. Your Excellency, coming as I do from the mofussil, I should have been as glad as anybody to see the congestion in Bombay removed and better provision made for the working classes. I am alive to the great necessity that exists for it. But I wish that the millowners of Bombay and the other industrial interests concerned which have prospered in the capital city should see their way to have the needful done out of their own earnings, rather than that this great development should be financed out of a tax to be levied on the raw material which forms the most important item of export from our country and which is required in the country itself for its main industry, I mean the cotton mills.

The proposed tax is sure to affect the interests of the people in the mofussil. The agriculturists have not resources enough to keep their stocks and command their own price; they are at the mercy of the agents of the merchants in Bombay who come to the mofussil for purchase of cotton. If these have to pay one rupee per bale in Bombay, they will deduct it from the price they may offer to pay to the producers. That is not right. Whenever similar taxes were sought to be imposed in the mofussil, not only this Government but the Government of India intervened and did not allow them.

Then again, I submit that the general policy is that the industries which employ labourers ought to provide the necessary housing accommodation for them. It is the millowners that should provide housing for their workers; it is the duty of the Port Trust to house their staff, and Government should similarly do it for its servants so far as possible. It is being done in the mofussil for the police and other departments. I do not know why Bombay, with its vast resources, should have to draw upon the poor resources of the mofussil for the needful funds for development purposes. Looking to the figures published in the "Times of India", of only to-day's date, I find that the profits earned by the millowners in Bombay last year amounted to 15 crores. If that is the case, why should not some tax be levied upon these millowners for the needful purposes? Then again the income of the Bombay municipality is estimated to exceed that of all the other municipalities in the mofussil put together. Why should not the Bombay municipality contribute to the funds that are needed? Further, I think, a large proportion of the labouring population is employed by the railways, and much of the congestion is due to the large areas of land taken up by them. I do not know why the railways should not be made to pay for the expenditure involved. For the capital expenditure which is proposed to be met by loans the interest will come from general revenues and indirectly affect the people in the mofussil. Already a large amount has been spent out of the general revenues on the development of Salsette, and I think it is much better that the areas which will immediately benefit should contribute their proper share to the funds.

Then, as regards the arrangements made in the bill for removing the congestion, nothing very definite appears to be set out in the bill itself, and the suggestion of the select committee for an advisory board does not also appear in the bill though it was approved by the select committee. I do not also see why three-sevenths of the revenue to be derived from the cotton duty is to be given to the Bombay municipality. It is not subject to any conditions. Nor is it quite clear what the total expenditure will come to,

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nor whether the Bombay municipality would be in a position to take up the properties later on. I presume this work is to be done on behalf of the municipality out of the new tax which is to be levied as part of the municipal revenue. If it is to be a part of their income, and if it is to be spent on the building of tenements, I think the machinery that is to be set up for executing the work ought to be under the control and direction of the municipality. Whether that machinery is to be in the form of only an advisory board or any other board with larger powers to assist in the work, is a matter which should be considered in greater detail. So far as the improvement of Bombay was concerned, a special board was created, namely, the City Improvement Trust. The municipality was represented on it, and yet it was not able to control the Trust's proceedings. There were frequent complaints to the effect that the Trust did not discharge its duties properly, and so far from removing the congestion and doing the needful for the poor people living in the slums of the city, large portions of funds were spent by the Trust on providing sanitary housing accommodation for those who could afford to pay high rents. It was also complained that a large number of houses were pulled down by the Trust and that people had to suffer more from the congestion than they did before the Trust came into operation. I am quite sure that under the control of Government these things may not happen in the future. We do trust in that. But nevertheless, if the money is to be a part of the revenue of the corporation, it should be under its supervision. However, I as an outsider need not interfere in a matter which concerns Bombay. But what I complain of is that the reform should not be executed out of the moneys that will come indirectly from the pockets of the people in the mofussil. I may also point out that if the execution of the development scheme be undertaken by a department of Government it will check private enterprise and place private competition at an unequal disadvantage. For all these reasons I feel that this bill, instead of being hurried through at the fag end of this Council, should be reserved for further consideration by the reformed Council on which, I hope, the mofussil will be more strongly represented than it is in the present Council.

The Honourable Mr. Harchandrai Vishindas:—Your Excellency,—I thought that in the fitness of things the speeches on this measure would be confined to members coming from Bombay. But since my honourable friend Mr. Upasani has made a speech, I trust I will be justified in doing likewise; but my move is rather in a contrary direction. I am not opposing the second reading of the bill. On the contrary, I have great pleasure in supporting it, and I hope my honourable friend Mr. Upasani will remain single and isolated in his hopeless minority.

Now, I heartily endorse the opinions that have been expressed by the honourable members of this Council coming from the city of Bombay as to the whole-heartedness of Government in having undertaken this measure. In fact, I was one of that public that was for a long time complaining that Government were not bringing this question to a head. The congestion of the city of Bombay was being complained of for a long time, and the newspapers and the public were always saying that Government were very dilatory in bringing some measure of relief. So, when we heard at the last meeting of this Council your Excellency's excellent speech and found that after all those complaints that were being made on the subject had been provided for in a satisfactory manner, it brought pleasure to the hearts of all of us.

Now, I do not think it is necessary for me to touch any of the details of the measure, because, I think that is properly within the province of the honourable members coming from Bombay, and probably I should simply be repeating what has been said already. But, I think, I am not wasting the time of the Council by saying that I entirely disagree with the Honourable Mr. Upasani in his interpretation of the taxation that is being imposed on the mofussil, while there are other matters he has touched, which also I can very easily reply to. But I do not think it is right on my part to do so, because, it is the proper function of the Honourable Member in Charge of the portfolio to make a detailed reply, and which reply will carry greater weight than mine. However, if the Honourable Mr. Upasani's objection to this taxation is correct, that by imposing a tax upon all the raw cotton that is imported into Bombay, you are imposing a tax upon the mofussil, then, I think, every kind of taxation of this nature will be a taxation upon the mofussil, and the mofussil can come forward and say: "Oh, you have no right to impose a tax upon us." That is a very astounding proposition, and my chief object in getting up to speak was to say that I do not agree with the proposition at all. That is one reason of my getting up and troubling the Council with these remarks.

Another reason is that my city of Karachi is, as your Excellency is aware, governed by very nearly the same conditions as the city of Bombay. It is a sea-port; it is a centre

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of trade; there also the problem of congestion has arisen, although not to the same extent as in the city of Bombay for obvious reasons, one of which is the difference in size between the two cities; but still the problem does exist in the Karachi city. And when we find that your Excellency has inaugurated this measure, we think that in the fulness of time your Excellency will be persuaded to take courage in both hands and go ahead with this policy of development and improvement.

There is another reason why I have got up, and that is to join in the congratulations that have been offered to your Excellency's Government by the previous speakers on undertaking this measure.

The Honourable Mr. Lalubhai Samaldas Mehta:—May it please your Excellency,—I would not have got up to speak had it not been for a remark made by the Honourable Sir Dinshaw Petit. I believe he complained that the City Improvement Trust of Bombay had given lands to certain associations at a lower price. The City Improvement Trust has given lands not to individuals but to housing associations or to co-operative housing societies, and I think that the policy that has been adopted by the Trust is right and should be continued by Government also. Possibly my friend the Honourable Sir Dinshaw does not know that one of the conditions that is laid down in giving land is that the housing associations will not charge more than a certain rate of interest as rent. We want to help the tenants by starting as many housing associations as we possibly can, instead of selling them to the highest bidder at public auction who can charge any rental he likes. This does not help the tenants. It is in the interests of the tenants that I am making the suggestion that wherever possible housing associations should be helped by granting such concessions. I quite see that it is necessary to discriminate between housing associations started by middle class men or lower middle class men, and housing associations started by big capitalists for getting high rents. Now that your Excellency is going to appoint an advisory committee, or if, as suggested by my honourable friend Mr. Chunilal Mehta, an executive body is appointed, that body will see to it that these concessions are given to really deserving societies or associations. With these remarks I join my honourable friends who have spoken before me in congratulating your Excellency's Government on undertaking this legislation.

The Honourable Mr. P. A. Desai:—Your Excellency,—I rise to accord my hearty support to the second reading of this bill. In the excellent speech your Excellency has delivered on the previous occasion it has been shown that there was an absolute necessity for improving the deplorable condition of the accommodation of the poor people in Bombay and that unless there were funds, that improvement could not be effected. So the bill is an absolute necessity.

Now, I would not have risen to speak but for the Honourable Mr. Upasani's remarks against this bill. The main ground of his was that the imposition of this tax on cotton imported into Bombay from the mofussil would hit the growers of cotton. His object in saying this was to show that the poor agriculturists would be hit by the imposition of this tax. I cannot agree with him. The tax would be paid ultimately by the consumers and not by the growers of the cotton in the mofussil. I, therefore, submit that there is no objection to this bill being read a second time.

The Honourable Major C. Fernandes:—May it please your Excellency,—I rise to accord my hearty support to the second reading of this bill. As a member of the Bombay municipal corporation I congratulate Government upon the bold and liberal policy they have adopted, a policy that must increase the greatness and prosperity of the first city in India and bring health and happiness to the thousands of its inhabitants. I also welcome the proposals of the select committee, but I hope Government will not be long in giving an earnest of their confidence in the activities of the corporation in faithfully performing their share in this glorious work of development and expansion of the whole city. With these words I once more accord my hearty support to the second reading of the bill.

The Honourable Mr. Purshotamdas Thakurdas:—Your Excellency,—I rise to give my hearty support to the second reading of the bill. I was the only person who tried to sound what was called a discordant note on the last occasion on the first reading of the bill. But to-day the Honourable Mr. Upasani has far exceeded me and has expressed his dissent to the second reading of this bill.

The Honourable Mr. Upasani's opposition is out of place particularly bearing in mind the fact that more than half of the loan that your Excellency's Government have offered for development purposes has been already subscribed by the public. I must confess

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that the views that I expressed on the first reading still continue to be the same. But as I said on the first reading I feel that the other considerations to which I referred in the course of my speech then, must have weighed with your Excellency in hitting upon cotton as the article on which to impose this tax to finance the housing and development schemes.

It is rather interesting to see the Honourable Mr. P. A. Desai being pitched against the Honourable Mr. Upasani, both gentlemen with widespread experience of the mofussil. The Honourable Mr. P. A. Desai unhesitatingly said that the duty will be paid not by the grower but by the consumer. In the select committee various details that were to be settled as between Government and the Bombay municipality, were so intricate and necessitated so much discussion that there was hardly any time left to consider this question of incidence of the cotton tax. Even if it were possible to consider the question of the source from which the revenue was to be got, especially having regard to the short time during which the report had to be submitted to this Council and for the reasons of urgency that have been touched upon by the Honourable Mr. C. V. Mehta, the Honourable Sir Dinshaw Petit and the Honourable Mr. Sethna, I feel that if injustice is being done to the cotton grower, perhaps it is a necessity which cannot be avoided and that if there is to be any selection between the two evils, your Excellency has thought it proper to select the lesser of the two.

I hope that your Excellency's scheme will be a success and that with the downfall of prices which we have heard just commenced in America and England, the necessity of providing housing accommodation by Government may not be quite so great at the end of five or seven years, and that then this duty on cotton may be lessened or even discontinued.

The Honourable Mr. G. S. Curtis:—Your Excellency,—I beg to thank the Council for the kind reception accorded to this bill. I would observe with regard to the Honourable Mr. Upasani's remarks that an extensive reading of political economy has taught me that the question under discussion is one of the most vexed questions in the whole range of political science. I trust the Honourable Mr. Upasani when he returns to the mofussil will not fail to bring home to his friends and relations the desirability of investing in this loan although their views may be different as regards the purpose for which the money is to be spent. With these remarks I move the second reading of the bill.

His Excellency the President:—I now desire to reply briefly to some of the remarks which have been made by honourable members on this bill. I must, first of all, express my gratitude not only for the cordiality and the good feeling which has actuated the discussion right through a difficult and complex measure on the part of all concerned, but also for the very genuine anxiety that I have seen on all sides not to create difficulties but to assist and smooth over every difficulty that arose. I want to express my sensibility of this, for I am perfectly well aware that we have touched upon many problems in regard to which many honourable members hold divergent views, and I am glad therefore to think that according to the best traditions of this Council honourable members have submerged minor points of difference with a view of agreement upon the major and more important points for the benefit of all concerned.

The Honourable Mr. Chunilal Mehta has said that this is a measure which is intended to effect the maximum amount of good for the working classes in Bombay. I agree and must honestly confess that this has been my object from the very beginning. When I talk about the working classes, I do not necessarily mean the manual labourers only, but I mean all those of moderate means who work for their daily living, to whom accommodation at small rents is a vital necessity, and to whom the problem of daily needs is always pressing. I think there is no doubt whatever that if we pursue the measures that we have now laid down and to which this Council is, I understand, about to agree, to their proper conclusion, this Council will be able to feel that one of its last acts, at any rate, has been to frame an act as important and beneficial as any it has ever put through before. I would like also to refer to some of the remarks of the Honourable Sir Dinshaw Petit. I will not at this moment enter into the vexed question which he has touched upon as regards the disposal of lands. I would only say this that I can assure him that in these matters which touch very closely all those connected with this scheme, we are most anxious to hear the views and take into consideration the point of view of all concerned. We have to consider the main problem, and that is to put land on to the market at a reasonable, and not an excessive price, in the interests of all concerned. But whilst not venturing into the deep waters of a very difficult and thorny controversy, I can assure him that we shall pay the fullest consideration to the question of the best and most equitable methods of land disposals.

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There is one other remark that I should like to refer to, and that is with regard to the Honourable Mr. Upasani's opposition. The note he struck was not so much one of discordance, I should call rather one of differentiation, because, as a matter of fact, I am perfectly certain he does not mean to vote against the bill, and he would himself be much averse to registering his last official act in such a manner. I would at least point out to him that it is not possible arbitrarily to segregate the interests as between the mofussil and the capital city. You cannot talk of them as if they were quite separate. It is impossible to determine how much the mofussil depends upon the capital, or the capital upon the mofussil. They are both absolutely interdependent. The riches, the prosperity and the honour of the capital city, politically and economically do affect the cotton growers, the people who work in the fields and every one right through the Presidency. You cannot have a rotten capital and a healthy mofussil. That is perfectly certain. Therefore, anything that really improves the capital city from which radiate all the activities to the mofussil, is doing good to the mofussil and not harm. Nor will I go into another vexed question of the incidence of duty about which I spoke on the last occasion here. After all, cotton production is entirely dependent upon cotton consumption, and it is the large cities in the Presidency that consume it. And if you make it impossible for this great industry to exist and exist on healthy terms, there can be no demand in those localities for the raw material. But those are all matters which honourable members are as fully aware of as I am myself. I am confident, being a perpetual optimist, that with the assistance of the municipality, of the Improvement Trust and of the local bodies and the advisory committee which is being set up—and let nobody think that the advisory committee's functions will be ignored—it is our desire, in fact, we are bound to work in the closest co-operation with the local authorities. Whatever may be the powers assigned to them, surely you can recognize the huge influence that the public and the press have to-day, and will have increasingly in the future upon all Government functions. The advisory committee, with the press and publicity at their disposal, will have a power out of all proportion to any particular local powers we may invest them with. Therefore, I am perfectly confident that if persons of ability and wide knowledge serve on this advisory committee for development, you need have no fear that Government will either have the desire or be able to turn a deaf ear to their representations.

Well, gentlemen, I would merely conclude with thanking you very warmly—because after all the second reading is the main reading of the bill—for the support you have given this measure. It is true that the subscriptions to our loan are satisfactory now, though I am not sure that my honourable colleague was wise in expressing his satisfaction so early at the response made by the public. I cannot subscribe to what he said in that respect. But we are determined that the first provincial loan, especially issued as it is in Bombay, should be a successful loan, and I am equally determined that we should do all that we possibly can, when the loan is subscribed, to see that the loan is made a stable one; that its stability is maintained, so that it may compare favourably with any other loan issued by any Government in this country. I attribute the greatest importance to this, and I intend certainly to ask for the co-operation of the great financiers and their advice in order that we may make this loan a stable bank-note security as the first provincial loan in India.

I would also thank my honourable colleagues and the select committee for the very able and devoted work they have given to this bill, and I can only hope that this Council will pass this bill through its second and third readings unanimously and with full accord.

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

Bill read clause by clause. **The Honourable Mr. G. S. Curtis**:—Your Excellency,—I move that the bill be now read clause by clause.

His Excellency the President:—Clause 1.

Clause 1 was put to the vote and carried.

His Excellency the President:—Clause 2. The Honourable Mr. Curtis.

The Honourable Mr. G. S. Curtis—Your Excellency,—I rise to move the amendment that stands in my name. The amendment reads thus:—

Clause 2, section 195B(2)—(a) After the words "Revenue Division as" insert the words "the same may be".

(b) For the word "October" when it occurs for the first time substitute the word "December".

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(c) For the word "devoted" substitute the word "allotted".

(d) Add the following sentence:—

"Any moneys so allotted may also be utilized for the payment of interest on loans raised and utilized for the aforesaid purposes respectively and for the provision of sinking funds for the repayment of such loans."

As I said before these amendments are not as serious as they appear at first. But I would start at once to explain them. In the preamble after the words "Revenue Division" the words "as the same may be constituted on the 1st of December 1920" are to be inserted. Also in section 195 B(2) "of the moneys received under sub-section (1) a sum of four lakhs shall be allotted yearly to schemes in the Bombay Suburban Revenue Division as the same may be constituted on the 1st of December 1920." The object of this amendment is to avoid difficulties in connection with the reformed Council elections which take place in the middle of next month. It is, therefore, desirable to put off the constitution of the new division until the 1st of December. That accounts for (*a*) and (*b*) of my amendments under clause 2. (*c*) and (*d*) go together. The clause will then read "The balance shall be allotted to the provision of tenements for the working classes in the City of Bombay." And then it is proposed to add the following:—"Any moneys so allotted may also be utilized for the payment of interest on loans raised and utilized for the aforesaid purposes respectively and for the provision of sinking funds for the repayment of such loans." That addition was made at the instance of the Government of India on the ground that the expression "provision of tenements" might be taken to include only the allocation of funds received from the cotton duty to the construction of tenements and may not allow of the money coming from the cotton duty being utilized for the payment of interest on loans raised. Accordingly, these amendments (*c*) and (*d*) are proposed in section 195 B(2).

I must now ask you to move on to the next section 195C. The amendments which I propose are as follows:—

(a) For the word "the" where it first occurs substitute the word "all".

(b) For the word "received" substitute the word "allotted".

(c) For the words "for the purpose of providing tenements in the City of Bombay and of the expenditure incurred from or with the aid of such moneys" substitute the words:—

"to the provision of such tenements; of all loans raised and utilized for the provision of such tenements and of any sinking funds formed for the repayment of such loans."

I am reading the section as it will read when thus amended:—

"Government shall keep a separate account of all moneys allotted under sub-section (2) of section 195B to the provision of such tenements; of all loans raised and utilized for the provision of such tenements and of any sinking funds formed for the repayment of such loans."

These amendments refer to sub-clause (1) of section 195C. In sub-clause (2) of the same section I propose the following amendments:—

(a) For the words "take over" substitute the word "acquire".

(b) For the words from "vesting in Government" to the end of the sub-section substitute the words "of Government in all lands and buildings acquired and all buildings constructed in the City of Bombay constituted as aforesaid, with the aid of such moneys and loans, on indemnifying Government against all then existing and all future liabilities of Government in respect of such lands and buildings and in respect of such loans."

The next amendment is really the only important one of principle. It requires the insertion of a new sub-section (3) in clause 195C which specified in legal language and as clearly as possible in what way the municipality has to indemnify Government. The amendment reads as follows:—

"Insert new sub-section (3) as follows and renumber remaining sub-sections.

(3) For the purpose of determining the amount of any indemnity in respect of any such loan regard shall be had to any then existing sinking fund formed for the re-payment of such loans: the intention being that the Corporation shall pay to Government from time to time sufficient moneys—

(a) to satisfy all interest on such loan as the same may become payable by Government; and

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(b) to make up, after taking into account any such sinking fund, the amount which Government may be liable to repay at the maturity of such loan".

In old sub-clause (4), new sub-clause (5), the alterations are purely verbal. The amendment proposed is as follows:—

(a) For the word "the" where it occurs for the fourth time substitute the word "such."

(b) Omit the words "referred to in the said sub-section."

In old sub-clause (5) and new sub-clause (6), the words "and in any sinking fund formed for the repayment of any loan or loans utilized for the purpose of providing tenements as aforesaid" are to be cancelled. That is the most important amendment among these. As already explained, the Government of India objected to a sinking fund maintained by Government being transferred to the municipality. In its stead, therefore, we have provided that Government shall retain the sinking fund, but that the municipality shall pay yearly contributions sufficient to provide for the sinking fund to enable Government to repay the loan in full. The amendment in section 195C (5) reads as follows:—

Omit the word "an" where it first occurs and the words "and in any sinking fund formed for the re-payment of any loan or loans utilized for the purpose of providing tenements as aforesaid."

The other amendments, as shown in the paper which has been circulated to the members of this Council, are of a drafting character and are as follows:—

In clause 2, Section 195C (6)

(a) For the words "taking over" substitute the words "acquiring as aforesaid".

(b) Before the words "section 195B" wherever they occur insert the words "sub-section (1) of".

In clause 2, Section 195C (7)

For the number "(6)" substitute the number "(7)".

Lastly, a new section 195D is proposed to be added and the amendment is as follows:—

Definition of Loan.

195D. Loans raised and utilized for the purpose of repaying (whether directly or indirectly) loans raised and utilized for such schemes of improvement or for the provision of such tenements as are referred to in sub-section (2) of section 195B shall be deemed to be loans raised and utilized for such schemes or for the provision of such tenements as the case may be.

Honourable members who have studied these amendments with care will realize what a great deal of difficulty and trouble the drafting of them has involved. With these remarks, sir, I beg to move that the amendments standing in my name may be passed.

The amendments were then severally put to the vote and carried.

Clause 2, as amended, was then put to the vote and carried.

Clause 3 was then put to the vote and carried.

The preamble as amended was then put to the vote and carried.

His Excellency the President:—Bill further to amend the City of Bombay Improvement Act, 1898, and the City of Bombay Municipal Act, 1888, Bill No. VII of 1920. Third reading. The Honourab Mr. Curtis.

The Honourable Mr. G. S. Curtis moves the third reading of the bill.

The Honourable Mr. G. S. Curtis:—Your Excellency,—I now beg to move that the bill be read a third time and passed into law.

Bill read a third time.

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

A BILL TO AMEND THE CITY OF BOMBAY IMPROVEMENT ACT, 1898. BILL NO. XVII OF 1920).

The Honourable Mr. G. S. Curtis:—Your Excellency,—I desire to invite your Excellency's attention to Bill No. XVII of 1920, which was published under rule 28 (5) of the rules for the conduct of Council business on September 25th. Under the standing orders 18 days' notice is generally required, but in this case the same could not be given. I, therefore, request your Excellency to suspend the standing order, as the measure is, I understand, of a non-controversial character, and allow the bill to be proceeded with.

CITY IMPROVEMENT TRUST BILL—URDU SCHOOLS.

[29TH SEPTEMBER 1920.] [*The President; Mr. G. S. Curtis; Mr. C. V. Mehta; Sardar Gulam Jilani.*]

His Excellency the President:—I suspend the standing orders. Bill to amend the City of Bombay Improvement Act, 1898. Bill No. XVII of 1920. First reading. The Honourable Mr. Curtis.

The Honourable Mr. G. S. Curtis moves the first reading of the bill.

The Honourable Mr. G. S. Curtis:—Your Excellency,—I now desire to move the first reading of a bill to amend the City of Bombay Improvement Act, 1898, Bill No. XVII of 1920. The object of the bill is to effect an amendment in the City of Bombay Improvement Act as shown in the papers circulated to honourable members of this Council. Under the provisions of section 60 of the act it was incumbent upon the Improvement Trust to maintain certain sites as open spaces in perpetuity. Owing to the construction of a large public park on the area known as "The Flats," north of Clerk Road, by the municipality out of money lent by the Western India Turf Club, it is no longer necessary, as it was in 1898, to specify that these areas which are the subject of this bill should be maintained in perpetuity as open spaces. That being the case, the trust have asked with the consent of the municipality that the act should be amended, so that plots 1(*b*), 1(*c*) and 1(*d*) may now and in future be allowed to be laid out, in whole or in part, as recreation grounds or parks for the free use of the public, or to be appropriated to building purposes. Plot 1(*a*) is similarly to be set apart as an open space and may at any time be laid out as a recreation ground or park for the free use of the public. With these words, sir, I beg to move the first reading of this bill.

The Honourable Mr. C. V. Mehta:—Your Excellency,—I have pleasure in supporting the first reading of this bill. From the section it might not be quite clear what is intended to be done, but I may briefly state, sir, that the rights of the public, although they are going to be taken away with regard to a particular plot of land to the north of Clerk Road, will be more than safeguarded by the provision of a public park to the south of it, a park which we anticipate will be very largely used by the public. In view of that provision, certain other lands will be released for the purpose of building chawls for which there is a great demand in that neighbourhood. The provisions of this bill were considered carefully both by the Improvement Trust and the municipality, and both those bodies have accepted them.

Bill read a first time.

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

His Excellency the President:—Bill to amend the City of Bombay Improvement Act, 1898, Bill No. XVII of 1920. Second reading. The Honourable Mr. Curtis.

The Honourable Mr. G. S. Curtis moves the second reading of the bill.

The Honourable Mr. G. S. Curtis:—I now beg to move, sir, that this bill be read a second time.

Bill read a second time.

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

The Honourable Mr. G. S. Curtis:—Your Excellency,—The bill may now be read clause by clause.

Bil read clause by clause.

Clauses 1 and 2 were then severally put to the vote and carried.

The preamble was then put to the vote and carried.

His Excellency the President:—Bill to amend the City of Bombay Improvement Act, 1898, Bill No. XVII of 1920, Third reading. The Honourable Mr. Curtis.

The Honourable Mr. G. S. Curtis:—I now beg to move, sir, that this bill be read a third time and passed into law.

The Honourable Mr. G. S. Curtis moves the third reading of the bill.

Bill read a third time.

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

DISCUSSION OF MATTERS OF GENERAL PUBLIC INTEREST.

His Excellency the President:—Resolution No. 8. The Honourable Sardar Gulam Jilani.

This Council recommends to His Excellency the Governor in Council that the Urdu Schools should not be administered by the District Deputy Educational Inspectors but be placed in charge of the Deputy Inspector of Urdu Schools, both for inspection as well as administrative purposes.

The Honourable Sardar Gulam Jilani:—Your Excellency,—I beg to withdraw this resolution.

The resolution was by leave withdrawn.

His Excellency the President:—Resolution No. 10. The Honourable Dewan Bahadur Godbole.

HYDRO-ELECTRIC SCHEMES—TALATIS: REVISION OF PAY—MOFUSSIL CLERICAL ESTABLISHMENTS: PAY.

[*The President.*] [29TH SEPTEMBER 1920.]

This Council recommends to His Exeellency the Governor in Council that in granting concessions for new Hydro-electric Schemes in this Presidency in future, involving the acquisition by Government of 2,000 acres and above of agricultural lands, the following conditions should be made :—

(a) that all excess profits after paying 10 per cent. dividends to shareholders, should be divided between the Company using the concession and Government, half and half;

(b) that one-fourth of the power generated should be reserved for the production of nitrate fertilizers from the atmosphere or driving agricultural machinery, if such use of the power is financially practicable according to expert advice received by Government.

The Honourable Dewan Bahadur Godbole not being present, the resolution was deemed withdrawn.

His Excellency the President:—Resolution No. 17. The Honourable Mr. Kamat.

This Council recommends to the Governor in Council that with reference to the revision of pay of the talatis in the Presidency, now under the consideration of Government, Government may be pleased to consider the desirability of fixing Rs. 30 as the minimum, and Rs. 60 as the maximum of their pay in the proposed revision.

The Honourable Mr. Kamat not being present, the resolution was deemed withdrawn.

His Excellency the President:—Resolution No. 21. The Honourable Rao Bahadur Garud.

This Council recommends to His Excellency the Governor in Council that an advance of two months' pay be given to the clerical establishments in the mofussil till they receive the benefit of the revision scheme sanctioned for them.

The Honourable Rao Bahadur Garud not being present, the resolution was deemed withdrawn.

His Excellency the President:—Gentlemen,—Before closing this last meeting of the Council that has, I believe, lasted longer than any previous Council, I should like to address a few words of farewell to this Council. I would first like to express my sensibility of the constant courtesy which the honourable members of this Council have always displayed to me, whilst I have had the honour of occupying this chair during the last two years. I myself cease from this moment to preside over the Legislative Council. I can, at any rate, say that I am very sorry to leave the chair of this Council and not to be going to preside over any of its future deliberations.

We have a long record of useful work to look back upon. As regards the progressive stages of Council government in this country, we have still with us in Council to-day the Honourable Mr. Goculdas Parekh, the Honourable Sir Ibrahim Rahimtoola, the Honourable Mr. Munmohundass Ramji, the Honourable Mr. Harchandrai Vishindas and the Honourable Mr. Webb who were present on the last occasion when a Governor marked the rate of constitutional progress so far achieved, and two more honourable members, the Honourable Sir George Carmichael and the Honourable Mr. Lalubhai Samaldas, took their seat on the next occasion on which the Council met under the new constitution.

Well, gentlemen, I will not, as I had intended to, go into any retrospect as was done by a distinguished predecessor of mine, as regards those steps; but I am confident that the historian who looks back over the long and interesting features of Indian history in the last fifty years will see the path marked out much more clearly than those of us who live in the present time can possibly do. We are now about to take one further step on the road towards self-government. I myself look forward to it with unqualified hope and with a very large degree of confidence. I believe, that we, in breaking from this Council, and embarking upon the new, are going to take a step forward which one may be proud of, and which must lead straightforward to the wider institutions which this country is asking for to-day. I have no fear for the future provided the good sense of the Council which has prevailed so far continues in the councils which are to come in the future.

Gentlemen, I thank you for your courtesy once more to myself and to this chair and I herewith close this Council. This Council will now adjourn.

The Council then adjourned.

By order of His Excellency the Honourable the Governor,

G. D. DAVIS,
Secretary to the Legislative Council
of the Governor of Bombay.

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